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Department Bulletin

No. 1

THE CONSOLIDATED SCHOOL LAW

OF THE

STATE OF NEW YORK

WITH THE

RULES OF PRACTICE RELATING TO APPEALS

AND

GENERAL LAWS AND SPECIAL ACTS RELATING TO SCHOOL ADMINISTRATION

In force on Oct. 1, 1905

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NEW YORK STATE EDUCATION DEPARTMENT

1905

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STATE OF NEW YORK
EDUCATION DEPARTMENT

Regents of the University
With years when terms expire

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UNIFICATION ACT 1904

Chapter 40

An act to provide that "the University of the State of New York" shall be governed and its corporate powers exercised by 11 Regents, and to provide for their election; and to provide for a Department of Education and the election of a Commissioner of Education.

Became a law Mar. 8, 1904, with the approval of the Governor. Passed, three fifths being present.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 **Government of University.** On and after the first day of April, 1904, the corporation designated by the Constitution as "the University of the State of New York" shall be governed and its corporate powers exercised by 11 Regents. The term of office of the Regents now in office, not selected as herein provided, shall cease and determine on said first day of April following the election of the 11 Regents hereinafter provided for. There shall be no "ex officio" members of the Board of Regents.

§2 **Election of Regents.** Within 10 days after the passage of this act the Legislature shall proceed to the election of 11 Regents of the University of the State of New York, in the manner now

prescribed by law for the election of a Regent. Such Regents shall be elected for the term of 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 years respectively, from the first day of April, 1904. The Secretary of State shall issue to each of the persons so elected a certificate of election, in the same manner as certificates are now issued to elected members of the Board of Regents. Such Regents shall be selected from those who are now Regents of the University of the State of New York, and so far as may be, that one shall be chosen from each judicial district. The successors in office for a full term of the Regents thus elected shall in the same manner be elected by the Legislature in the second week of February in each year, to serve for a period of 11 years from the first day of April succeeding such election. If a vacancy in the Board of Regents shall occur in a judicial district, (that is, in the territory comprising the same as now constituted) from which there remains one or more representatives on said Board, and there shall at the same time be a district not represented on the Board by a resident thereof, such vacancy shall be filled by the election of a Regent from such unrepresented district. A vacancy in the office of Regent for other cause than expiration of term of service, shall be filled for the unexpired term by an election at the session of the Legislature immediately following such vacancy, unless the Legislature is in session when such vacancy occurs, in which case the vacancy shall be filled by such Legislature.

Commissioner
of Education

§3 Commissioner of Education. Within 10 days after the passage of this act, the Legislature shall elect a Commissioner of Education in the same manner as members of the Board of Regents are now elected, who either may or may not be a resident of the State of New York. The Commissioner shall receive an annual salary of \$7500, payable monthly, and shall also be paid \$1500 in lieu and in full for his traveling and other expenses, also payable monthly. He shall enter upon the performance of the duties of his office on the first day of April, 1904. The Commissioner of Education first elected shall serve for the term of six years unless sooner removed for cause by the Board of Regents, and the Legislature shall fill any vacancy that may occur during such period of six years for the balance of the term, in the manner provided by section 3 of this act, and all successors in office after such term of six years, shall serve during the pleasure of the Board of Regents, and all vacancies in the office of Commissioner of Education after such six years shall be filled by appointment by the Board of Regents.

§4 Powers of Commissioner. The office of Superintendent of Public Instruction and the office of Secretary of the Board of Regents shall be abolished from and after Ap. 1, 1904, and the powers and duties of said offices shall be exercised and performed by the Commissioner of Education. All the powers and duties of the Board of Regents in relation to the supervision of elementary and secondary schools including all schools, except colleges, technical and professional schools, are hereby devolved upon the Commissioner of Education. The said Commissioner of Education shall also act as the executive officer of the Board of Regents. He shall have power to create such departments as in his judgment shall be necessary. He shall also have power to appoint deputies and heads of such departments, subject to the approval of the State Board of Regents. Such heads of departments shall appoint, subject to approval by the Commissioner of Education, such subordinates in their respective departments as in their judgment shall be necessary. The Commissioner of Education, for the first year of his incumbency, subject to approval by the State Board of Regents, shall fix and determine the salaries of all deputies, appointees and employees within the appropriations made therefor and in accordance with existing laws. The Board of Regents of the University shall have power to establish such rules and regulations as are necessary to carry into effect the statutes of this State relating to education, and, subject to the provisions and limitations of this act, shall also possess all the powers now exercised by the present State Board of Regents. Nothing in this act shall be construed to affect the powers of the Board of Regents in relation to colleges, universities, professional and technical schools, libraries (other than public school libraries), museums, university extension courses and similar agencies.

§5 Of appropriations. All appropriations of public money made in support of the common school system, as heretofore administered by the State Superintendent of Public Instruction, and all such appropriations in aid of secondary education heretofore apportioned and certified by the Regents of the University, shall after certification by the Commissioner of Education herein created, be paid by the State Treasurer on the warrant of the Comptroller, and all employees and appointees in either the Department of the Regents or Department of Public Instruction shall be eligible for transfer and appointment to positions in the office of the Commissioner of Education herein created.

§6 All acts and parts of acts so far as inconsistent with this act are hereby repealed.

§7 This act shall take effect immediately.

THE CONSOLIDATED SCHOOL LAW

Chapter 556 as amended to the close of the session of 1905
Laws of 1894, ch. 556

An act to revise, amend and consolidate the general acts relating to public instruction

Became a law May 8, 1894, taking effect June 30, 1894

TITLE I

State Superintendent of Public Instruction, his election, and general powers and duties

TITLE II

State and other school moneys, their apportionment and distribution; and trusts and gifts for the benefit of common schools

Art. I Of the state school moneys, and their apportionment by the Superintendent of Public Instruction, and payment to county and city treasurers

II Of the apportionment of state schools moneys, and of other school moneys by the school commissioners and their payment to the supervisors

III Of trusts for the benefit of common schools, and of town school funds, fines, penalties and other moneys held or given for their benefit

TITLE III

Supervisors, disbursement of school moneys by, and some of their special powers and duties under this act

TITLE IV

Town clerks, their duties under this act

TITLE V

School commissioners, their election, powers and duties

TITLE VI

School districts, formation, alteration and dissolution thereof

TITLE VII

Meetings in common school districts, the election of school district officers, and their powers and duties

Art. I Of common school district meetings; who are voters, and their powers

II Of district schoolhouses and sites

- III Of the qualification, election and terms of office of district officers, and of vacancies in such offices
- IV Of the duties of district clerk and treasurer
 - V Of pupils and teachers
- VI Of trustees, their powers and duties; and of school taxes and annual reports
- VII Of the assessment of district taxes, and the collection of such taxes; and of the collector, his powers, duties and liabilities

TITLE VIII

Union free schools, how established, who are voters at meetings and their powers; election and terms of office of members of boards of education, and powers of such boards

- Art. I Of the proceedings for the establishment of union free schools; powers of voters at meetings; classification of terms of office and election of members of boards of education; certified copies of proceedings of meetings to be filed; board of education to elect a president and appoint a treasurer and collector
- II Of the qualifications of voters in union free school districts; and of meetings of such voters and their powers
- III Of annual and special meetings, and of election of members of boards of education and clerk in districts where the number of children exceeds three hundred
- IV Of the powers and duties of boards of education
- V Of the alteration of union free school districts; the increase or diminution of number of members of boards of education, and of dissolution of union free school districts

TITLE IX

Acquisition of schoolhouse sites

TITLE X

Teachers institutes

TITLE XI

Teachers training classes

TITLE XII

State scholarships in Cornell University

TITLE XIII

Common school and public libraries

TITLE XIV

Appeals to Superintendent of Public Instruction

TITLE I

TITLE XV

Miscellaneous provisions

- Art. I Of loss of school moneys apportioned; of forfeiture by school officers by reason of neglect to sue for penalties; of costs in suits which might have been the subject of appeal to the Superintendent of Public Instruction; of costs in suits, actions and proceedings other than appeals to the Superintendent of Public Instruction
- II Changes in textbooks
- III Care of code of public instruction
- IV Contracts between school districts and boards of education in cities
- V Memorandum of contracts with teachers
- VI Physiology and hygiene in the public schools
- VII Free instruction in drawing
- VIII Vocal music in the public schools
- IX Free kindergarten in cities and villages
- X Industrial training in the public schools
- XI Schools for colored children
- XII Orphan schools
- XIII Indian schools
- XIV Deaf and dumb and blind institutions
- XV Arbor day
- XVI Miscellaneous

TITLE XVI

Compulsory education of children

TITLE I

State Superintendent of Public Instruction, his election and general powers and duties

Short title

§1 **Short title.** This chapter shall be known as the "Consolidated School Law."

State Superintendent, his election and term

§2 The office of State Superintendent of Public Instruction is continued and the term of said office shall be three years, commencing on the seventh day of April. Such Superintendent shall be elected by joint ballot of the Senate and Assembly on the second Wednesday of February next preceding the expiration of the term of the then incumbent of said office, and on the second Wednesday of February next after the occurrence of any vacancy in the office. The Superintendent's office shall be in the Capitol, and maintained at the expense of the state. His salary shall be \$5000 a year, payable monthly, by the Treasurer, on the warrant of the Comptroller.

Office in Capitol

Salary

Deputy Superintendent

§3 He shall appoint a deputy, who shall receive an annual salary of \$4000 payable monthly by the Treasurer on the warrant of the Comptroller; and in case of a vacancy in the office of Super-

¹Superseded by laws 1904, chapter 40.

intendent the Deputy may perform all the duties of the office until the day hereinbefore fixed for the commencement of the term of said office. In case the office of both Superintendent and Deputy Vacancies shall be vacant, the Governor shall appoint some person to perform the duties of the office until the Superintendent shall be elected and his term of office commence as hereinbefore provided.

¹§4 He may appoint as many clerks and employees as he may deem necessary, but the compensation of such clerks and employees shall not exceed in the aggregate the sum annually appropriated by the Legislature therefor, and shall be payable monthly by the Treasurer, on the warrant of the Comptroller, and the certificate of the Superintendent. Clerks and employees

§5 The seal of the Superintendent, of which a description and impression are now on file in the office of the Secretary of State, shall continue to be his official seal, and when necessary, may be renewed from time to time. Copies of all papers deposited or filed in the Superintendent's office, and of all acts, orders and decisions made by him, and of the drafts or machine copies of his official letters, may be authenticated under the said seal, and when so authenticated, shall be evidence equally with and in like Official seal
Copies of records etc.
Evidence manner as the originals.

²§6 The Superintendent shall be ex officio a Regent of the University of the State of New York, a trustee of Cornell University and of the New York State Asylum for Idiots. He shall also have general supervision over the state normal schools which have been and which may hereafter be established; and he shall provide for the education of the Indian children of the state, as required by the provisions of this act. Duties ex officio
Supervision of normal schools, etc.

§7 The Superintendent may, in his discretion, appoint persons to visit and examine all or any of the common schools in the county where such persons reside, and to report to him all such matters respecting their condition and management, and the means of improving them, as he shall prescribe; but no allowance or compensation shall be made to such visitors for their services or expenses. Visitation of common schools by appointees

§8 So often as he can, consistently with his other duties, he shall visit such of the common schools of the state as he shall see fit, and inquire into their course of instruction, management and discipline, and advise and encourage the pupils, teachers and officers thereof. Visitation of same by Superintendent

§9 He shall submit to the Legislature an annual report containing: Annual report

¹Superseded by laws 1904, chapter 40.

²Under laws of 1904, chapter 40, there are no ex officio Regents.

TITLE I

1 A statement of the condition of the common schools of the state, and of all other schools and institutions under his supervision, and subject to his visitation as Superintendent.

2 Estimates and accounts of expenditures of the school moneys and a statement of the apportionment of school moneys made by him.

3 All such matters relating to his office, and all such plans and suggestions for the improvement of the schools and the advancement of public instruction in the state, as he shall deem expedient.

Teacher's certificate
Examinations therefor
License to teach
College graduate's certificates
Indorsement of diplomas and state certificates
Temporary licenses to teach

§10 He may grant under his hand and seal of office a certificate of qualification to teach, and may revoke the same. While unrevoked, such certificate shall be conclusive evidence that the person to whom it was granted is qualified by moral character, learning and ability, to teach any common school in the state. Such certificate may be granted by him only upon examination. He shall determine the manner in which such examination shall be conducted, and may designate proper persons to conduct the same, and report the result to him. He may also appoint times and places for holding such examinations, at least once in each year, and cause due notice thereof to be given. Every such certificate so granted shall be deemed and considered a legal license and authority to teach in any of the public schools of this state, without further examination of the person to whom the same was granted, any provision of law in conflict with this provision to the contrary notwithstanding. He may also, in his discretion, issue a certificate without examination, to any graduate of a college or university who has had three years' experience as a teacher. Such last mentioned certificate shall be known as the "college graduate's certificate," and may be revoked at any time for cause. He may also, in his discretion, indorse a diploma issued by a state normal school or a certificate issued by a state superintendent or state board of education in any other state, which indorsement shall confer upon the holder thereof the same privileges conferred by law upon the holders of diplomas or certificates issued by state normal schools or by the State Superintendent in this state. He may also issue temporary licenses to teach, limited to any school commissioner district or school district, and for a period not exceeding six months whenever, in his judgment, it may be necessary or expedient for him to do so.

Annulment of certificates, etc.

§11 Upon cause shown to his satisfaction, he may annul any certificate of qualification granted to a teacher by a school commissioner, or declare any diploma issued by a state normal school

ineffective and null as a qualification to teach a common school within this state, and he may reconsider and reverse his action in any such matter.

§12 He shall prepare and keep in his office alphabetical lists of all persons who have received, or shall receive, certificates of qualification from himself, or diplomas of the state normal schools, with the dates thereof, and shall note thereon all annulments and reversals of such certificates and diplomas, with the dates and causes thereof, together with such other particulars as he may deem expedient.

List of persons holding certificates and diplomas

§13 Whenever it shall be proved to his satisfaction that any school commissioner or other school officer has been guilty of any wilful violation or neglect of duty under this act, or any other act pertaining to common schools, or wilfully disobeying any decision, order or regulation of the Superintendent, the Superintendent may, by an order under his hand and seal, which order shall be recorded in his office, remove such school commissioner or other school officer from his office. Said Superintendent may also withhold any share of the public money of the state from any district for wilfully disobeying any decision, order or regulation as aforesaid, or when authorized by any provision of this act.

Removal of school commissioner

May withhold moneys from district

§14 He shall prepare suitable registers, blanks, forms and regulations for making all reports and conducting all necessary business under this act, and shall cause the same, with such information and instructions as he shall deem conducive to the proper organization and government of the common schools and the due execution of their duties by school officers, to be transmitted to the officers and persons intrusted with the execution of the same.

Blank forms, etc., preparation and distribution of

§15 The Superintendent may administer oaths and take affidavits concerning any matter relating to the schools.

Oaths and affidavits

TITLE II

State and other school moneys, their apportionment and distribution, and of trusts and gifts for the benefit of common schools

ARTICLE 1¹

Of the state school moneys and their apportionment by the Superintendent of Public Instruction, and payment to county and city treasurers.

§3 The Comptroller may withhold the payment of any moneys to which any county may be entitled from the appropriation of the incomes of the school fund and the United States deposit

Comptroller may withhold payments

¹Chapter 390, laws of 1904, repeals sections 1 and 2 of this article.

TITLE 2

fund for the support of common schools, until satisfactory evidence shall be furnished to him that all moneys required by law to be raised by taxation upon such county, for the support of schools throughout the state, have been collected and paid or accounted for to the State Treasurer; and whenever, after the first day of March in any year, in consequence of the failure of any county to pay such moneys on or before that day there shall be a deficiency of moneys in the treasury applicable to the payment of school moneys, to which any other county may be entitled, the Treasurer and Superintendent of Public Instruction are hereby authorized to make a temporary loan of the amount so deficient, and such loan, and the interest thereon at the rate of 12 per cent per annum, until payment shall be made to the treasury, shall be a charge upon the county in default, and shall be added to the amount of state tax, and levied upon such county by the board of supervisors thereof at the next ensuing assessment, and shall be paid into the treasury in the same manner as other taxes.

§4 The moneys raised by the state tax or borrowed as aforesaid to supply a deficiency thereof, and such portion of the income of the United States deposit fund as shall be appropriated, and the income of the common school fund, when the same are appropriated to the support of common schools, constitute the state school moneys, and shall be divided and apportioned by the Superintendent of Public Instruction, on or before the 20th day of January in each year as hereinafter provided; and all moneys so apportioned, except the library moneys, shall be applied exclusively to the payment of teachers' wages.

§5 He shall apportion and set apart from the free school fund appropriated therefor the amounts required to pay the annual salaries of the school commissioners elected or elective under this act, to be drawn out of the treasury and paid to the several commissioners as hereinafter provided. Said Superintendent shall make no allotment to any city or district for the expense of a superintendent unless satisfied that such city, village or district, employs a competent person as superintendent whose time is exclusively devoted to the general supervision of the public schools of said city, village or district; nor shall he make any allotment to any district in the first instance without first causing an enumeration of the inhabitants thereof to be made, which shall show the population thereof to be at least 5000, the expense of which enumeration, as certified by said State Superintendent, shall be

¹As amended by chapter 316, laws of 1902.

Temporary
loans for
deficiencies

State school
moneys
defined

Annual apportionment

Applied to
teachers'
wages

For pay of
school com-
missioners

Cities, villages
and districts
employing su-
perintendents

Enumeration
of inhabitants
in the first
instance

paid by the district in whose interest it is made. He shall then set apart, from the income of the United States deposit fund, for and as library moneys, such sums as the Legislature shall appropriate for that purpose. After deducting the said amounts he shall divide and apportion the remainder of the state school moneys as hereinafter specified. To each city \$800. To each village which has a population of 5000 as shown by the last state census, or federal or village enumeration, and which employs a superintendent of schools, \$800. To each union school district which has a population of 5000, and which employs a superintendent of schools, \$800. An appropriation under either of the first three subdivisions hereof is known as the supervision quota. He shall set apart for a contingent fund not more than \$10,000.

§6 From the remainder he shall apportion;

1 To each district having an assessed valuation of \$40,000 or less, as appears by the report of the trustees upon which such apportionment is based, and to each Indian reservation for each teacher employed therein for a like period, \$150; and to each of the remaining districts, and to each of the cities in the state, \$125. The apportionment provided for by this subdivision shall be known as a district quota.

2 To each such district or city for each additional qualified teacher and his successors by whom the common school has been taught, during the period of time required by the school law, \$100; but pupils employed as monitors or otherwise, shall not be deemed teachers. The apportionment provided for by this subdivision shall be known as a teachers quota.

3 The remainder to the several counties according to their respective population by a ratio to be ascertained by dividing such remainder by the population of the state as shown by the last federal census or state enumeration; except that for the purpose of this apportionment the city of New York shall be considered one county. But as to counties in which are situated cities whose boundary lines are coterminous with the school district lines comprising said city, he shall apportion to such city the part to which it shall so appear entitled, and to the residue of the county the part to which it shall appear to be so entitled.

To entitle a district to a district quota, a qualified teacher or successive qualified teacher must have actually taught the common school of the district for at least 160 days of school, inclusive of legal holidays that may occur during the term of said schools

¹As amended by chapter 316, laws of 1902, and chapter 598, laws of 1903.

TITLE 2

and exclusive of Saturdays. No Saturday shall be counted as part of said 160 days of school and no school shall be in session on a legal holiday, except Washington's birthday and Lincoln's birthday. A deficiency not exceeding three weeks during any school year caused by a teacher's attendance upon a teachers institute within a county shall be excused by the Superintendent of Public Instruction.

§7 Having so apportioned and distributed the said district quota as specified in section 6 of this act, the Superintendent shall apportion the remainder of said state school moneys, and also the library moneys separately, among the counties of the state, according to their respective population, excluding Indians residing on their reservation, as the same shall appear from the last preceding state or United States census; but as to counties in which are situated cities having special school acts, he shall apportion to each city the part to which it shall so appear entitled, and to the residue of the county the part to which it shall appear to be so entitled. If the census according to which the apportionment shall be made does not show the sum of the population of any county or city, the Superintendent shall, by the best evidence he can procure, ascertain and determine the population of such county or city at the time the census was taken, and make his apportionment accordingly.

§8 Whenever any school district shall have been excluded from participation in any apportionment made by the Superintendent, or by the school commissioners, by reason of its having omitted to make any report required by law, or to comply with any other provision of law, or with any rule or regulation made by the Superintendent under the authority of law, and it shall be shown to the Superintendent that such omission was accidental or excusable, he may, upon the application of such district, make to it an equitable allowance; and if the apportionment was made by himself, cause it to be paid out of the contingent fund; and, if the apportionment was made by the commissioners, direct them to apportion such allowance to it, at their next annual apportionment, in addition to any apportionment to which it may then be entitled. And the Superintendent may, in his discretion, upon the recommendation of the school commissioner having jurisdiction over the district in default, direct that the money so equitably apportioned shall be paid in satisfaction of teacher's wages earned by a teacher not qualified in accordance with the provisions of the law as hereinafter set forth.

§9 If money to which it is not entitled, or a larger sum than it is entitled to, shall be apportioned to any county, or part of a

Teacher's
attendance
at institute
excused

Population,
how deter-
mined

Allowance
to excluded
districts

May direct
payment of
quota when
teacher not
qualified

Reclamation of
moneys appro-
priated

county, or school district, and it shall not have been so distributed or apportioned among the districts, or expended, as to make it impracticable so to do, the Superintendent may reclaim such money or excess, by directing any officer in whose hands it may be to pay it into the state treasury, to the credit of the free school fund; and the State Treasurer's receipt, countersigned by the Superintendent, shall be his only voucher; but if it be impracticable so to reclaim such money or excess, then the Superintendent shall deduct it from the portions of such county, part of a county or district in his next annual apportionment, and distribute the sum thus deducted equitably among the counties and parts of counties, or among the school districts in the state entitled to participate in such apportionment, according to the basis of apportionment in which such excess occurred.

Deductions from next apportionment

§10 If a less sum than it is entitled to shall have been apportioned by the Superintendent to any county, part of a county or school district, the Superintendent may make a supplementary apportionment to it, of such a sum as shall make up the deficiency, and the same shall be paid out of the contingent fund, if sufficient, and if not, then the Superintendent shall make up such deficiency in his next annual apportionment.

Supplementary apportionment for deficiencies

§11 As soon as possible after the making of any annual or general apportionment, the Superintendent shall certify it to the county clerk, county treasurer, school commissioners and city treasurer or chamberlain, in every county in the state; and if it be a supplementary apportionment, then to the county clerk, county treasurer and school commissioners of the county in which the schoolhouse of the district concerned is situate.

Certification of apportionment

§12 The moneys so annually apportioned by the Superintendent, shall be payable between the 1st day of April and the 15th day of May next after the apportionment, to the treasurers of the several counties and the chamberlain of the city of New York, respectively; and the said treasurers and the chamberlain shall apply for and receive the same as soon as payable.

Moneys, payable between first day of April and 15th of May

ARTICLE 2

Of the apportionment of the state school moneys, and of other school moneys by the school commissioners, and their payment to the supervisors

§13 The school commissioner, or commissioners of each county, shall proceed, at the county seat, on the third Tuesday of March,

Annual apportionment by commissioners

¹As amended by section 1, chapter 166, laws of 1904.

TITLE 2

in each year, to ascertain, apportion and divide the state and other school moneys as follows:

Library moneys 1 They shall set apart any library moneys apportioned by the Superintendent.

State moneys to be set apart 2 From the other moneys apportioned to the county, they shall set apart and credit to each school district the amount apportioned to it by the State Superintendent, and to every district which did not participate in the apportionment of the previous year, and which the Superintendent shall have excused, such equitable sum as he shall have allowed to it.

Return of unexpended moneys 3 They shall procure from the treasurer of the county a transcript of the returns of the supervisors hereinafter required, showing the unexpended moneys in their hands applicable to the payment of teachers' wages and to library purposes, and shall add the whole sum of such moneys to the balance of the state moneys to be apportioned for teachers' wages. The amounts in each supervisor's hands shall be charged as a partial payment of the sums apportioned to the town for library moneys and teachers' wages, respectively.

Returns from treasurer of fines and penalties 4 They shall procure from the county treasurer a full list and statement of all payments to him of moneys for or on account of fines and penalties, or accruing from any other source, for the benefit of schools and of the town or towns, district or districts for whose benefit the same were received. Such of said moneys as belong to a particular district, they shall set apart and credit to it; and such as belong to the schools of a town, they shall set apart and credit to the schools in that town, and shall apportion them together with such as belong to the schools of the county as hereinafter provided for the payment of teachers' wages.

Library moneys 5 They shall apportion library moneys to the school districts, and parts of school districts, joint with parts in any city or in any adjoining county, which shall be entitled to participate therein, as follows: To each of said districts an amount equal to that which shall have been raised in said district for library purposes, either by tax or otherwise, and if the aggregate amount so raised in the districts within the county shall exceed the sum apportioned to the county, the said districts, respectively, shall be entitled to participate in such apportionment pro rata to the total amount apportioned to the county.

Basis of apportionment 6 They shall apportion all of such remaining unapportioned moneys in the like manner and upon the same basis among such

Apportionment according to school attendance

¹As amended by section 2, chapter 264, laws of 1896.

school districts and parts of districts in proportion to the aggregate number of days of attendance of the pupils resident therein, between the ages of 5 and 18 years, at their respective schools during the last preceding school year, and also such children residing therein over 4 years of age who shall have attended any free kindergarten school legally established. The aggregate number of days in attendance of the pupils is to be ascertained from the records thereof, kept by the teachers as hereinafter prescribed; by adding together the whole number of days' attendance of each and every pupil in the district, or part of a district.

7 They shall then set apart the money so set apart and apportioned to each district, the schoolhouse of which is therein; and to each part of a joint district therein the schoolhouse of which is located in a city or in a town in an adjacent county.

8 They shall sign, in duplicate, a certificate, showing the amounts apportioned and set apart to each school district and part of a district, and the towns in which they are situated, and shall designate therein the source from which each item was derived; and shall forthwith deliver one of said duplicates to the treasurer of the county and transmit the other to the Superintendent of Public Instruction.

9 They shall certify to the supervisor of each town the amount of school moneys so apportioned to his town, and the portions thereof to be paid by him for library purposes and for teachers' wages, to each such distinct district and part of a district.

§14 If, in their apportionment, through any error of the commissioners, any district shall have apportioned to it a larger or a less share of the moneys than it is entitled to receive, the commissioners may, in their next annual apportionment, with the approval of the Superintendent, correct the error by equitably adding to or deducting from the share of such district.

§15 No district or part of a district shall be entitled to any portion of such school moneys on such apportionment unless the report of the trustees for the preceding school year shall show that a common school was supported in the district and taught by a qualified teacher for such a term of time as would, under section 6 of this title, entitle it to a distributive share under the apportionment of the Superintendent.

§16 On receiving the certificate of the commissioners, each supervisor shall forthwith make a copy thereof for his own use, and deposit the original in the office of the clerk of his town; and the moneys so apportioned to his town shall be paid to him im-

Attendance,
how ascer-
tained

Moneys set
apart to
districts

Certificate
of apportion-
ment

Certificate to
supervisor

Correction of
erroneous ap-
portionments

Districts
when not
entitled to
moneys

Filing of
certificate

Payments
of moneys to
supervisor

TITLE 2

Supervisor's
bond

mediately on his compliance with the requirements of the following section, but not before.

Bond of
supervisors
to fill vacancy

§17 Immediately on receiving the commissioners' certificate of apportionment, the county treasurer shall require of each supervisor, and each supervisor shall give to the treasurer, in behalf of the town, his bond, with two or more sufficient sureties, approved by the treasurer, in the penalty of at least double the amount of the school moneys set apart or apportioned to the town, and of any such moneys unaccounted for by his predecessors, conditioned for the faithful disbursement, safekeeping and accounting for such moneys, and of all other school moneys that may come into his hands from any other source. If the condition shall be broken the county treasurer shall sue the bond in his own name, in behalf of the town, and the money recovered shall be paid over to the successor of the supervisor in default, such successor having first given security as aforesaid. Whenever the office of a supervisor shall become vacant, by reason of the expiration of his term of service or otherwise, the county treasurer shall require the person elected or appointed to fill such vacancy to execute a bond, with two or more sureties, to be approved by the treasurer, in the penalty of at least double the sum of the school moneys remaining in the hands of the old supervisor, when the office became vacant, conditioned for the faithful disbursement and safe-keeping of and accounting for such moneys. But the execution of this bond shall not relieve the supervisor from the duty of executing the bond first above mentioned.

Refusal to
give securityMoneys, how
disbursed
thereupon

§18 The refusal of a supervisor to give such security shall be a misdemeanor, and any fine imposed on his conviction thereof shall be for the benefit of the common schools of the town. Upon such refusal, the moneys so set apart and apportioned to the town shall be paid to and disbursed by some other officer or person to be designated by the county judge, under such regulations and with such safeguards as he may prescribe, and the reasonable compensation of such officer or person, to be adjusted by the board of supervisors, shall be a town charge.

ARTICLE 3

Of trusts for the benefit of common schools, and of town school funds, fines, penalties and other moneys held or given for their benefit.

Estates in
trust for
common
schools

§19 Real and personal estate may be granted, conveyed, devised, bequeathed and given in trust and in perpetuity or other-

wise, to the state, or to the Superintendent of Public Instruction, for the support or benefit of the common schools, within the state, or within any part or portion of it, or of any particular common school or schools within it; and to any county, or the school commissioner or commissioners of any county, or to any city or any board of officers thereof, or to any school commissioner district or its commissioner, or to any town, or supervisor of a town, or to any school district or its trustee or trustees, for the support and benefit of common schools within such county, city, school commissioner district, town or school district, or within any part or portion thereof respectively, or for the support and benefit of any particular common school or schools therein. No such grant, conveyance, devise or bequest shall be held void for the want of a named or competent trustee or donee, but where no trustee or donee, or an incompetent one is named, the title and trust shall vest in the people of the state, subject to its acceptance by the Legislature, but such acceptance shall be presumed.

Trusts not invalid in certain cases

§20 The Legislature may control and regulate the execution of all such trusts; and the Superintendent of Public Instruction shall supervise and advise the trustees, and hold them to a regular accounting for the trust property and its income and interest at such times, in such forms, and with such authentications, as he shall, from time to time, prescribe.

Execution of trusts

Supervision of Superintendent

§21 The common council of every city, the board of supervisors of every county, the trustees of every village, the supervisor of every town, the trustee or trustees of every school district, and every other officer or person who shall be thereto required by the Superintendent of Public Instruction, shall report to him whether any, and if any, what trusts are held by them respectively, or by any other body, officer or person to their information or belief for school purposes, and shall transmit, therewith, an authenticated copy of every will, conveyance, instrument or paper embodying or creating the trust; and shall, in like manner, forthwith report to him the creation and terms of every such trust subsequently created.

Officers and boards to report trusts

§22 Every supervisor of a town shall report to the Superintendent whether there be, within the town, any gospel or school lot, and, if any, shall describe the same, and state to what use, if any, it is put by the town; and whether it be leased, and, if so, to whom, for what term and upon what rents; and whether the town holds or is entitled to any lands, moneys or securities arising from any sale of such gospel or school lot, and the investment

Reports as to gospel and school lots by supervisor

TITLE 2

of the proceeds thereof, or of the rents and income of such lots and investments, and shall report a full statement and account of such lands, moneys and securities.

Reports as
to moneys in
hands of over-
seers of poor

§23 Every supervisor of a town shall in like manner report to the Superintendent whether the town has a common school fund originated under the "Act relative to moneys in the hands of overseers of the poor," passed April 27, 1829, and, if it have, the full particulars thereof, and of its investment, income and application, in such form as the Superintendent may prescribe.

Superintend-
ent to report
to Legislature

§24 In respect to the property and funds in the last two sections mentioned, the Superintendent shall include in his annual report a statement and account thereof. And, to these ends, he is authorized, at any time and from time to time, to require from the supervisor, board of town auditors, or any officer of a town, a report as to any fact, or any information or account, he may deem necessary or desirable.

May require
reports made

Fines and
penalties

§25 Whenever, by any statute, a penalty or fine is imposed for the benefit of common schools, and not expressly of the common schools of a town or school district, it shall be taken to be for the benefit of the common schools of the county within which the conviction is had; and the fine or penalty, when paid or collected, shall be paid forthwith into the county treasury, and the treasurer shall credit the same as school moneys of the county, unless the county comprise a city having a special school act, in which case he shall report it to the Superintendent, who shall apportion it upon the basis of population by the last census, between the city and the residue of the county, and the portion belonging to the city shall be paid into its treasury.

Apportion-
ment thereof

Reports of
district attor-
neys, as to
fines, etc.

§26 Every district attorney shall report, annually, to the board of supervisors, all such fines and penalties imposed in any prosecution conducted by him during the previous year; and all moneys collected or received by him or by the sheriff, or any other officer, for or on account of such fines or penalties, shall be immediately paid into the county treasury, and the receipt of the county treasurer shall be a sufficient and the only voucher for such money.

Payment of
collections to
treasurer

Fines and
penalties, to
whom paid

§27 Whenever a fine or penalty is inflicted or imposed for the benefit of the common schools of a town or school district, the magistrate, constable or other officer collecting or receiving the same shall forthwith pay the same to the county treasurer of the county in which the schoolhouse is located, who shall credit the same to the town or district for whose benefit it is collected. If the fine or penalty be inflicted or imposed for the benefit of the

common schools of a city having a special school act, or of any part or district of a city, it shall be paid into the city treasury.

§28 Whenever, by this or any other act, a penalty or fine is imposed upon any school district officer for a violation or omission of official duty, or upon any person for any act or omission within a school district, or touching property, or the peace and good order of the district, and such penalty or fine is declared to be for, or for the use or benefit of the common schools of the town or of the county, and such school district lies in two or more towns or counties, the town or county intended by the act shall be taken to be the one in which the schoolhouse, or the schoolhouse longest owned or held by the district, is at the time of such violation, act or omission.

Penalties and fines in joint districts

TITLE III

Supervisors; disbursement of school moneys by, and some of their special powers and duties under this act

§1 The several supervisors continue vested with the powers and charged with the duties formerly vested in and charged upon the trustees of the gospel and school lots, and transferred to and imposed upon town superintendents of common schools by chapter 186 of the laws of 1846.

Trustees of gospel and school lots

§2 The several supervisors continue vested with the powers and charged with the duties conferred and imposed upon the commissioners of common schools by the act of 1829 (chapter 287), entitled "An act relative to moneys in the hands of overseers of the poor."

Powers under former acts

§3 On the first Tuesday of March in each year, each supervisor shall make a return in writing to the county treasurer for the use of the school commissioners, showing the amounts of school moneys in his hands not paid on the orders of trustees for teachers' wages, nor drawn by them for library purposes, and the districts to which they stand accredited (and if no such money remain in his hands, he shall report the fact); and thereafter he shall not pay out any of said moneys until he shall have received the certificate of the next apportionment; and the moneys so returned by him shall be reapportioned as hereinbefore directed.

Annual return of moneys in hands of supervisor

§4 It is the duty of every supervisor:

Duties

1 To disburse the school moneys in his hands applicable to the payment of teachers' wages, upon and only upon the written orders of a sole trustee or a majority of the trustees, in favor of qualified

Disbursement of school moneys

¹As amended by section 1, chapter 177, laws of 1896,

TITLE 3

teachers. But whenever the collector in any school district shall have given bonds for the due and faithful performance of the duties of his office as disbursing agent, as required by section 80 of title 7 of this act, or whenever any school district shall elect a treasurer as hereinafter provided, the said supervisor shall, upon the receipt by him of a copy of the bond executed by said collector or treasurer as hereinafter required, certified by the trustee or trustees, pay over to such collector or treasurer, all moneys in his hands applicable to the payment of teachers' wages in such district, and the said collector or treasurer shall disburse such moneys so received by him upon such orders as are specified herein to the teachers entitled to the same.

Payment over
of same to
collector or
treasurer

Library
moneys

2 To disburse the library moneys upon, and only upon the written orders of a sole trustee, or of a majority of the trustees.

Payment over
of same to
union school
district

3 In the case of a union free school district, to pay over all the school money apportioned thereto, whether for the payment of teachers' wages, or as library moneys, to the treasurer of such district, upon the order of its board of education.

Accounts of
receipts and
disbursements

4 To keep a just and true account of all the school moneys received and disbursed by him during each year, and to lay the same, with proper vouchers, before the board of town auditors at each annual meeting thereof.

Blank book
and entries
therein

5 To have a bound blank book, the cost of which shall be a town charge, and to enter therein all his receipts and disbursements of school moneys, specifying from whom and for what purposes they were received, and to whom and for what purposes they were paid out; and to deliver the book to his successor in office.

Filing of
accounts

6 Within 15 days after the termination of his office, to make out a just and true account of all school moneys theretofore received by him and of all disbursements thereof, and to deliver the same to the town clerk, to be filed and recorded, and to notify his successor in office of such rendition and filing.

Duties toward
predecessor

7 So soon as the bond to the county treasurer, required by section 17 of title 2 of this act, shall have been given by him and approved by the treasurer, to deliver to his predecessor the treasurer's certificate of these facts, to procure from the town clerk a copy of his predecessor's account, and to demand and receive from him any and all school moneys remaining in his hands.

Payment over
of moneys to
successor

8 Upon receiving such a certificate from his successor, and not before, to pay to him all school moneys remaining in his hands, and to forthwith file the certificate in the town clerk's office.

Recovery of
penalties and
forfeitures

9 By his name of office, when the duty is not elsewhere imposed by law, to sue for and recover penalties and forfeitures imposed for

violations of this act, and for any default or omission of any town officer or school district board or officer under this act; and after deducting his costs and expenses to report the balances to the school commissioner.

10 To act, when thereto legally required, in the erection or alteration of a school district, as in the sixth title of this act provided, and to perform any other duty which may be devolved upon him by this act, or any other act relating to common schools.

Erection or alteration of school districts

TITLE IV

Town clerks; their duties under this act

§1 It shall be the duty of the town clerk of each town:

Duties

1 Carefully to keep all books, maps, papers and records of his office touching common schools, and forthwith to report to the supervisor any loss or injury to the same.

Preservation of records

2 To receive from the supervisors the certificates of apportionment of school moneys to the town, and to record them in a book to be kept for that purpose.

Record of apportionment

3 Forthwith to notify the trustees of the several school districts of the filing of each such certificate.

Notice to trustees

4 To see that the trustees of the school districts make and deposit with him their annual reports within the time prescribed by law, and to deliver them to the school commissioner on demand; and to furnish the school commissioner of the school commissioner district in which his town is situated the names and postoffice addresses of the school district officers reported to him by the district clerks.

Obtaining reports

Furnishing names of district officers to commissioner

5 To distribute to the trustees of the school districts all books, blanks and circulars which shall be delivered or forwarded to him by the State Superintendent or school commissioner for that purpose.

Distribution of blanks etc.

6 To receive from the supervisor, and record in a book kept for that purpose, the annual account of the receipts and disbursements of school moneys required to be submitted to the town auditors, together with the action of the town auditors thereon, and to send a copy of the account and of the action thereon, by mail, to the Superintendent of Public Instruction, whenever required by him, and to file and preserve the vouchers accompanying the account.

Record of annual accounts

Transmission of same to Superintendent

7 To receive and to record, in the same book, the supervisor's final account of the school moneys received and disbursed by him, and deliver a copy thereof to such supervisor's successor in office.

Final accounts

TITLE 5

Filing of
treasurer's
certificates

8 To receive from the outgoing supervisor, and file and record in the same book, the county treasurer's certificate, that his successor's bond has been given and approved.

Records of
districts

9 To receive, file and record the descriptions of the school districts, and all papers and proceedings delivered to him by the school commissioner pursuant to the provisions of this act.

Erection, etc.,
of districts

10 To act, when thereto legally required, in the erection or alteration of a school district, as in title 6 of this act provided.

Preservation
of records of
dissolved
districts

11 To receive and preserve the books, papers and records of any dissolved school district, which shall be ordered, as hereinafter provided, to be deposited in his office.

General
duties

12 To perform any other duty which may be devolved upon him by this act, or by any other act touching common schools.

Expenses and
disbursements

§2 The necessary expenses and disbursements of the town clerk in the performance of his said duties, are a town charge, and shall be audited and paid as such.

TITLE V

School commissioners; their election, powers and duties

School com-
missioner

§1 The office of school commissioner is continued, and the present incumbents shall continue in office in their respective districts, for the residue of the terms for which they were elected or appointed.

School com-
missioner
districts

§2 The school commissioner districts duly and legally organized, and as the same existed January 1, 1894, shall continue to be held and recognized as the school commissioner districts of the state until the same shall be altered or modified by the Legislature. No city shall be included in, or form a part of any school commissioner district. In any school commissioner district that contains more than 100 school districts, the board of supervisors may divide such commissioner district, within the county, and erect therefrom an additional school commissioner district; and when such district shall have been formed a school commissioner for such district shall be elected in the manner provided by law for the election of school commissioners.

Division of
districts

Election of
new com-
missioner

§3 A school commissioner for each school commissioner district shall be elected by the electors thereof, at the general election in the year 1896, and triennially thereafter. Any person of full age, a citizen of the United States, a resident of the state, and of the county in which a school commissioner district is situated, shall be eligible to the office of school commissioner. No person shall be deemed ineligible to such office by reason of sex who has the

Election of
school com-
missioners

Certificate of election to be forwarded to Superintendent

other qualifications as herein provided. It shall be the duty of county clerks, and they are hereby required, as soon as they shall have official notice of the election or appointment of a school commissioner, for any district in their county, to forward to the Superintendent of Public Instruction a duplicate certificate of such election or appointment, attested by their signature and the seal of the county.

§4 The term of office of such commissioner shall commence on the first day of January next after his election, and shall be for three years, and until his or her successor qualifies. Every person elected to the office, or appointed to fill a vacancy, must take the oath of office prescribed by the Constitution, before the county clerk or before any officer authorized to take, within this state, the acknowledgement of the execution of a deed of real property, and file it with the county clerk; and if he or she omit so to do, the office shall be deemed vacant.

§5 A commissioner may, at any time, vacate his or her office by filing his or her resignation with the county clerk. His or her removal from the county, or the acceptance of the office of supervisor, town clerk or trustee of a school district, shall vacate his or her office.

§6 The county clerk, so soon as he has official or other notice of the existence of a vacancy in the office of school commissioner, shall give notice thereof to the county judge, or, if that office be vacant, to the Superintendent of Public Instruction. In case of a vacancy the county judge, or, if there be no county judge, then the Superintendent shall appoint a commissioner, who shall hold his office until the first of January succeeding the next general election, and until his successor, who shall be chosen at such general election, shall have qualified. A person elected to fill a vacancy shall hold the office only for the unexpired term.

§7 Every school commissioner shall receive an annual salary of \$1000, payable quarterly out of the free school fund appropriated for this purpose.

§8 Whenever a majority of the supervisors from all the towns composing a school commissioner district shall adopt a resolution to increase the salary of their school commissioner beyond the \$1000 payable to him from the free school fund, it shall be the duty of the board of supervisors of the county to give effect to such resolution, and they shall assess the increase stated therein upon the towns composing such commissioner district, ratably, according to the corrected valuations of the real and personal estate of such towns.

TITLE 5

Expenses of
commissioner

§9 The board of supervisors shall annually audit and allow to each commissioner within the county a fixed sum of at least \$200 for his expenses, and shall assess and levy that amount annually, by tax upon the towns composing his district.

Superintend-
ent may with-
hold salary

§10 Whenever the Superintendent of Public Instruction is satisfied that a school commissioner has persistently neglected to perform his duties, he may withhold his order for the payment of the whole or any part of such commissioner's salary as it shall become due, and the salary so withheld shall be forfeited; but the Superintendent may remit the forfeiture in whole or in part, upon the commissioner disproving or excusing such neglect.

Commissioner
to serve for
another

§11 A commissioner, upon the written request of the commissioner of an adjoining district, may perform any of his duties for him, and upon requirement of the State Superintendent of Public Instruction must perform the same.

Not to act as
agent for
author, pub-
lisher etc.

§12 No school commissioner shall be directly or indirectly engaged in the business of a publisher of school books, maps or charts, or of a bookseller, or in the manufacture or sale of school apparatus or furniture; nor shall he act as agent for an author, publisher, or bookseller, or dealer in school books, maps or charts, or manufacturer of or dealer in any school furniture or apparatus; nor directly or indirectly receive any gift, emolument, reward or promise of reward, for his influence in recommending or procuring the use of any book, map or chart, or school apparatus, or furniture of any kind whatever, in any common or union free school, or the purchase of any books for a school district library.

Penalty

Any violation of this provision, or any part thereof, shall be a misdemeanor; and any such violation shall subject such commissioner to removal from his office by the Superintendent of Public Instruction.

Duties

§13 Every commissioner shall have power, and it shall be his duty:

Defining dis-
trict bound-
aries

1 From time to time to inquire into and ascertain whether the boundaries of the school districts within his district are definitely and plainly described in the records of the proper town clerks; and in case the record of the boundaries of any school district shall be found defective or indefinite, or if the same shall be in dispute, then to cause the same to be amended, or an amended record of the boundaries to be made. All necessary expenses incurred in establishing such amended records shall be a charge upon the district or districts affected, to be audited and allowed by the trustee or trustees thereof, upon the certificate of the school commissioner.

Expenses
thereof

2 To visit and examine all the schools and school districts within his district as often in each year as shall be practicable; to inquire into all matters relating to the management, the course of study and mode of instruction, and the textbooks and discipline of such schools, and the condition of the schoolhouses, sites, outbuildings and appendages, and of the district generally; to examine the school libraries; to advise with and counsel the trustees and other officers of the district in relation to their duties, and particularly in respect to the construction, heating, ventilating and lighting of schoolhouses, and the improving and adorning of the school grounds connected therewith; and to recommend to the trustees and teachers the proper studies, discipline and management of the schools, and the course of instruction to be pursued.

Visitation and examination of schools

Libraries, schoolhouses, etc.

Recommendation as to studies

3 Upon such examination, to direct the trustees to make any alterations or repairs on the schoolhouse or outbuildings which shall, in his opinion, be necessary for the health or comfort of the pupils, but the expense of making such alterations or repairs shall, in no case, exceed the sum of \$200, unless an additional sum shall be voted by the district. He may also direct the trustee to make any alterations or repairs to school furniture, or when in his opinion any furniture is unfit for use and not worth repairing, or when sufficient furniture is not provided, he may direct that new furniture shall be provided as he may deem necessary, provided that the expense of such alterations, repairs or additions to furniture shall not, in any one year exceed the sum of \$100. He may also direct the trustees to abate any nuisance in or upon the premises, provided the same can be done at an expense not exceeding \$25.

May direct trustees to make repairs

Alteration or repairs to school furniture

Abatement of nuisances

4 By an order under his hand, reciting the reason or reasons, to condemn a schoolhouse, if he deems it wholly unfit for use and not worth repairing, and to deliver the order to the trustees, or one of them, and transmit a copy to the Superintendent of Public Instruction. Such order, if no time for its taking effect is stated in it, shall take effect immediately. He shall also state what sum, will, in his opinion, be necessary to erect a schoolhouse capable of accommodating the children of the district. Immediately upon the receipt of said order the trustee or trustees of such district shall call a special meeting of the inhabitants of said district for the purpose of considering the question of building a schoolhouse therein. Such meeting shall have the power to deter-

Condemnation of schoolhouse

Estimates for erection of schoolhouses

Special meeting for considering question

¹As amended by section 1, chapter 512, laws of 1897.

TITLE 5

mine the size of said schoolhouse, the material to be used in its erection, and to vote a tax to build the same. But such meeting shall have no power to reduce the estimate made by the commissioner aforesaid by more than 25 per centum of such estimate. And where no tax for building such house shall have been voted by such district within 30 days from the time of holding the first meeting to consider the question, then it shall be the duty of the trustee or trustees of such district to contract for the building of a schoolhouse capable of accommodating the children of the district, and to levy a tax to pay for the same, which tax shall not exceed the sum estimated as necessary by the commissioner aforesaid, and which shall not be less than such estimated sum by more than 25 per centum thereof. But such estimated sum may be increased by a vote of the inhabitants at any school meeting subsequently called and held according to law.

5 To examine, under such rules and regulations as have been or may be prescribed by the Superintendent of Public Instruction persons proposing to teach common schools within his district, and not possessing the superintendent's certificate of qualification or a diploma of a state normal school, and to inquire into their moral fitness and capacity, and, if he find them qualified, to grant them certificates of qualification, in the forms which are or may be prescribed by the Superintendent. No certificate shall be granted to any person to teach in the public schools of this state, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. No certificate shall be granted to any person under the age of 18 years.

6 To examine any charge affecting the moral character of any teacher within his district, first giving such teacher reasonable notice of the charge, and an opportunity to defend himself therefrom; and if he find the charge sustained, to annul the teacher's certificate, by whomsoever granted, and to declare him unfit to teach; and if the teacher holds a certificate of the Superintendent, or a diploma of a state normal school, to notify the Superintendent forthwith of such annulment and declaration.

7 And, generally, to use his utmost influence and most strenuous exertions to promote sound education, elevate the character and qualifications of teachers, improve the means of instruction and advance the interests of the schools under his supervision.

§14 Every school commissioner shall have power to take affidavits and administer oaths in all matters pertaining to common

Erection of building upon neglect to vote tax

Tax for payment thereof

Increase of estimate by vote

Examination and licensing of teachers

Restrictions as to granting certificates

Examination of charges against teachers

Annulment of certificates

General duties

Affidavits and oaths

schools, but without charge or fee; and, under the direction of the Superintendent of Public Instruction, to take and report to him the testimony in any case of appeal. When so directed by the Superintendent, said commissioner shall have power to issue subpoenas to compel the attendance of witnesses. Service of said subpoenas shall be made a reasonable time before the time therein named for the hearing, by exhibiting the same to the person so served, with the signature of the commissioner attached, and by leaving with such person a copy thereof. The person so served shall be entitled to receive from the person or officer at whose instance he is subpoenaed, at the time of service, the same fees as provided by law for witnesses in courts of records. Disobedience of such subpoena shall subject the delinquent to a penalty of \$25, which shall, unless sufficient excuse is shown, upon the certificate of the commissioner showing such facts, be imposed by the county judge of the county in which such commissioner resides, and shall be paid forthwith to the county treasurer for the benefit of the poor of the county, or, in case such penalty shall not be paid, such delinquent shall stand committed to the county jail of the county for the period of 25 days, unless sooner paid.

Issuing of
subpoenas,
etc.

Penalty for
disobedience
of subpoenas

§15 The commissioners shall be subject to such rules and regulations as the Superintendent of Public Instruction shall, from time to time, prescribe, and appeals from their acts and decisions may be made to him, as hereinafter provided. They shall, whenever required by the Superintendent, report to him as to any particular matter or act, and shall severally make to him annually, to the first day in August in each year, a report in such form and containing all such particulars as he shall prescribe and call for; and, for that purpose, shall procure the reports of the trustees of the school districts from the town clerk's offices, and, after abstracting the necessary contents thereof, shall arrange and indorse them properly and deposit them, with a copy of his own abstract thereof, in the office of the county clerk, and the clerk shall safely keep them.

Rules and
regulations

Reports to
Superin-
tendent

Annual report
from returns
of school
trustees

§16 It shall be the duty of all trustees and boards of education for school districts under the supervision of school commissioners, to grant the use of any school building under their charge for all examinations appointed by the Superintendent of Public Instruction, upon the written request of the commissioner having jurisdiction over the same.

Use of school
building for
examinations

TITLE 6

TITLE VI

School districts; formation, alteration and dissolution thereof

Duties as to
school districts

§1 It shall be the duty of each school commissioner, in respect to the territory within his district:

1 To divide it, so far as practicable, into a convenient number of school districts, and alter the same as herein provided.

Joint districts

2 In conjunction with the commissioner or commissioners of an adjoining school commissioner district or districts, to set off joint districts, composed of adjoining parts of their respective districts, and separately to institute proceedings to alter the same in respect to the territory within his own district.

Descriptions
and numbers
of districts

3 To describe and number the school districts, and joint districts, and to deliver, in writing, to the town clerk, the description and number of each district lying in whole or in part in his town, together with all notices, consents and proceedings relating to the formation or alteration thereof, immediately after such formation or alteration. Every joint district shall bear the same number in every school commissioner district of whose territory it is in part composed.

Alteration of
districts upon
consent

§2 With the written consent of the trustees of all the districts to be affected thereby, he may, by order, alter any school district within his jurisdiction, and fix, by said order, a day when the alteration shall take effect.

Ordering of
alterations
upon refusal
of consent

§3 If the trustees of any such district refuse to consent, he may make and file with the town clerk his order making the alteration, but reciting the refusal, and directing that the order shall not take effect, as to the dissenting district or districts, until a day therein to be named, and not less than three months after the date of such order.

Notice of
hearing ob-
jections to
alterations

2 §4 Within 10 days after making and filing such order he shall give at least a week's notice in writing to one or more of the assenting and dissenting trustees of any district or districts to be affected by the proposed alterations, that at a specified time, and at a named place within the town in which either of the districts to be affected lies he will hear the objections to the alteration. The trustees of any district to be affected by such order may request the supervisor and town clerk of the town or towns, within which such district or districts shall wholly or partly lie, to be associated with the commissioner. At the time and place mentioned in the notice the commissioner, or commissioners, with the super-

Supervisor
and clerk
associated
with com-
missionerHearing and
decision
thereon

¹As amended by section 1, chapter 223, laws of 1895

²As amended by section 4, chapter 264, laws of 1896.

visors and town clerks, if they shall attend and act, shall hear and decide the matter; and the decision shall be final unless duly appealed from. Such decision must either affirm or vacate the order of the commissioner, and must be filed with and recorded by the town clerk of the town or towns in which the district or districts to be affected shall lie, and a tie vote shall be regarded a decision for the purposes of an appeal on the merits. Upon such appeal the Superintendent of Public Instruction may affirm, modify or vacate the order of the commissioner or the action of the local board.

Filing of
decision

§5 The supervisor and town clerk shall be entitled each, to \$1.50 a day, for each day's service in any such matter, to be levied and paid as a charge upon their town.

Fees of super-
visor and
town clerk

§6 Any school commissioner may also, with the written consent of the trustees of all the districts to be affected thereby, dissolve one or more school districts adjoining any union free school district other than one whose limits correspond with any city or incorporated village, and annex the territory of such districts so dissolved to such union free school district. He may alter the boundaries of any union free school district whose limits do not correspond with those of any city or incorporated village, in like manner as alterations of common school districts may be made as herein provided; but no school district shall be divided, which has any bonded indebtedness outstanding.

Dissolution
of districts

Alteration of
boundaries of
union free
school districts

§7 Whenever it may become necessary or convenient to form a school district out of parcels of two or more school commissioner districts, the commissioners of such districts, or a majority of them, may form such district; and the commissioners within whose districts any such school district lies, or a majority of them, may alter or dissolve it.

Formation of
joint districts

Alteration or
dissolution

§8 If a school commissioner, by notice in writing, shall require the attendance of the other commissioner or commissioners, at a joint meeting for the purpose of altering or dissolving such a joint district, and a majority of all the commissioners shall refuse or neglect to attend, the commissioner or commissioners attending, or any one of them, may call a special meeting of such school district for the purpose of deciding whether such district shall be dissolved; and its decision of that question shall be as valid as though made by the commissioners.

Special meet-
ing for alter-
ing or dis-
solving joint
districts

§9 Any school commissioner may dissolve one or more districts and may from such territory form a new district; he may also unite

Consolidation
of districts

¹As amended by section 2, chapter 512, laws of 1897.

²As amended by section 4, chapter 264, laws of 1896.

TITLE 6

a portion of such territory to any existing adjoining district or districts. When two or more districts shall be consolidated into one, the new district shall succeed to all the rights of property possessed by the annulled districts.

Sale of
property of
dissolved
districts

§10 When a district is parted into portions, which are annexed to other districts, its property shall be sold by the supervisor of the town, within which its schoolhouse is situate, at public auction, after at least five days' notice, by notice posted in three or more public places of the town in which the schoolhouse is situated, one of which shall be posted in the district so dissolved. The supervisor, after deducting the expenses of the sale, shall apply its proceeds to the payment of the debts of the district, and apportion the residue, if any, among the owners or possessors of taxable property in the district, in the ratio of their several assessments on the last corrected assessment roll or rolls of the town or towns, and pay it over accordingly.

Application
of proceeds

Collections
of outstanding
moneys

§11 The supervisor of the town within which the schoolhouse of the dissolved district was situated may demand, sue for, and collect, in his name of office, any money of the district outstanding in the hands of any of its former officers, or any other person; and, after deducting his costs and expenses, shall report the balance to the school commissioner who shall apportion the same equitably among the districts to which the parts of the dissolved districts were annexed, to be by them applied as their district meetings shall determine.

Apportion-
ment and
application
of same

Dissolved dis-
tricts to exist
in law for
settlement
of affairs

§12 Though a district be dissolved, it shall continue to exist in law for the purpose of providing for and paying all its just debts; and to that end the trustees and other officers shall continue in office, and the inhabitants may hold special meetings, elect officers to supply vacancies, and vote taxes; and all other acts necessary to raise money and pay such debts shall be done by the inhabitants and officers of the district.

Deposit of
records etc.
with town
clerk

§13 The commissioner, or a majority of the commissioners in whose district or districts a dissolved school district was situated, shall by his or their order in writing, delivered to the clerk of the district, or to any person in whose possession the books, papers and records of the district, or any of them, may be, direct such clerk or other person to deposit the same in the clerk's office in a town in the order named. Such clerk or other person, by neglect or refusal to obey the order, shall forfeit \$50, to be applied to the benefit of the common schools of said town. The commissioner or commissioners shall file a duplicate of the order with such clerk.

Penalty for
refusal to
obey orders

§14 All the rights, powers and duties conferred upon school commissioners by titles 5 and 6 of this act, including the sole authority to examine and license, under the rules prescribed by the Superintendent of Public Instruction, all persons proposing to teach common schools, not possessing the qualifications mentioned in subdivision 5 of section 13 of title 5, shall extend to all districts organized under special acts, and all parts of such special acts inconsistent therewith are hereby repealed.

TITLE VII

Meetings in common school districts; the election of school district officers and their powers and duties

ARTICLE I

Of common school district meetings, who are voters, and their powers

§1 Whenever any school district shall be formed, the commissioner or any one or more of the commissioners, within whose district or districts it may be, shall prepare a notice describing such district, and appointing a time and place for the first district meeting, and deliver such notice to a taxable inhabitant of the district.

§2 It shall be the duty of such inhabitant to notify every other inhabitant of the district qualified to vote at the meeting, by reading the notice in his hearing, or in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least six days before the time of the meeting.

§3 In case such meeting shall not be held, and in the opinion of the commissioner it shall be necessary to hold such meeting, before the time herein fixed for the first annual meeting, he shall deliver another such notice to a taxable inhabitant of the district, who shall serve it as hereinbefore provided.

§4 When the clerk and all the trustees of a school district shall have removed from the district, or their office shall be vacant, so that a special meeting can not be called, as hereinafter provided, the commissioner may in like manner give notice of, and call a special district meeting.

§5 Every taxable inhabitant, to whom a notice of any district meeting shall be delivered for service, pursuant to any provisions of this article, who shall refuse or neglect to serve the same, as hereinbefore prescribed, shall forfeit \$5 for the benefit of the district.

¹Added by section 3, chapter 512, laws of 1897.

TITLE 7

Special district meetings

§6 A special district meeting shall be held whenever called by the trustees. The notice thereof shall state the purposes for which it is called, and no business shall be transacted at such special meeting, except that which is specified in the notice; and the district clerk, or, if the office be vacant, or he be sick, or absent, or shall refuse to act, a trustee or some taxable inhabitant, by order of the trustees, shall serve the notice upon each inhabitant of the district qualified to vote at district meetings, at least five days before the day of the meeting, in the manner prescribed in the second section of this title. But the inhabitants of any district may, at any annual meeting, adopt a resolution prescribing some other mode of giving notice of special meetings, which resolution and the mode prescribed thereby shall continue in force until rescinded or modified at some subsequent annual meeting.

Annual meeting may prescribe mode of giving notice

Proceedings, when illegal

§7 The proceedings of no district meeting, annual or special, shall be held illegal for want of a due notice to all the persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent.

Annual school district meeting

§8 The annual meeting of each school district shall be held on the first Tuesday of August in each year, and, unless the hour and place thereof shall have been fixed by a vote of a previous district meeting, the same shall be held in the schoolhouse at 7.30 o'clock in the evening. If a district possesses more than one schoolhouse, it shall be held in the one usually employed for that purpose, unless the trustees designate another. If the district possesses no schoolhouse, or if the schoolhouse shall be no longer accessible, then the annual meeting shall be held at such place as the trustees, or, if there be no trustee, the clerk, shall designate in the notice.

Proceedings, when annual meeting not held

§9 Whenever the time for holding the annual meeting in school districts shall pass without such meeting being held in any district, a special meeting shall thereafter be called by the trustees or by the clerk of such district for the purpose of transacting the business of the annual meeting; and if no such meeting be called by the trustees or the clerk within 20 days after such time shall have passed, the school commissioner of the commissioner district in which said school district is situated, or the Superintendent of Public Instruction may order any inhabitant of such district to give notice of such meeting in the manner provided in the second section of this title, and the officers of the district shall make to such meeting the reports required to be made at the annual meeting, subject to the same penalty in the case of neglect; and the officers elected at such meeting shall hold their respective offices only until

the next annual meeting and until their successors are elected and shall have qualified as in this act provided.

§10 Whenever any district meeting shall be duly called, it shall be the duty of the inhabitants qualified to vote thereat, to assemble at the time and place fixed for the meeting.

Duty of inhabitants upon call of meeting

§11 Every person of full age residing in any school district and who has resided therein for a period of 30 days next preceding any annual or special election held therein, and a citizen of the United States, who owns or hires, or is in the possession under a contract of purchase, of real property in such school district liable to taxation for school purposes; and every such resident of such district, who is a citizen of the United States, of 21 years of age, and is the parent of a child or children of school age, some one or more of whom shall have attended the district school in said district for a period of at least eight weeks within one year preceding such school meeting; and every such person not being the parent, who shall have permanently residing with him or her a child or children of school age, some one or more of whom shall have attended the district school in said district for a period of at least eight weeks within one year preceding such school meeting; and every such resident and citizen as aforesaid, who owns any personal property, assessed on the last preceding assessment roll of the town, exceeding \$50 in value, exclusive of such as is exempt from execution, and no other shall be entitled to vote at any school meeting held in such district, for all school district officers and upon all matters which may be brought before said meeting. No person shall be deemed to be ineligible to vote at any such school district meeting, by reason of sex, who has one or more of the other qualifications required by this section.

Voters, their qualifications

Persons not ineligible by reason of sex

§12 If any person offering to vote at any school district meeting shall be challenged as unqualified, by any legal voter in such district, the chairman presiding at such meeting shall require the person so offering, to make the following declaration: "I do declare and affirm that I am, and have been, for the 30 days last past, an actual resident of this school district and that I am qualified to vote at this meeting." And every person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his or her vote shall be rejected.

Challenges

Declarations thereupon

§13 Any person who shall wilfully make a false declaration of his or her right to vote at any such school meeting, after his or her right to vote thereat has been challenged, shall be deemed guilty of

Illegal voting, etc.

TITLE 7

a misdemeanor. And any person not qualified to vote at any such meeting, who shall vote thereat, shall thereby forfeit \$5, to be sued for by the supervisor for the benefit of the common schools of the town.

§14 The inhabitants entitled to vote, when duly assembled in any district meeting, shall have power, by a majority of the votes of those present:

- 1 To appoint a chairman for the time being.
- 2 If the district clerk be absent to appoint a clerk for the time.
- 3 To adjourn from time to time as occasion may require.

4 To elect one or three trustees as hereinafter provided, a district clerk and a district collector, and in any district which shall so determine, as hereinafter provided, to elect a treasurer, at their first meeting, and so often as such offices or any of them become vacated, except as hereinafter provided. All district officers shall be elected by ballot. At elections of district officers, the trustees shall provide a suitable ballot box. Two inspectors of election shall be appointed in such manner as the meeting shall determine, who shall receive the votes cast, and canvass the same, and announce the result of the ballot to the chairman. A poll list containing the name of every person whose vote shall be received shall be kept by the district clerk, or the clerk for the time of the meeting. The ballots shall be written or printed, or partly written and partly printed, containing the name of the person voted for and designating the office for which each is voted for. The chairman shall declare to the meeting the result of each ballot, as announced to him by the inspectors, and the persons having the majority of votes, respectively, for the several offices, shall be elected.

5 At the first meeting, or at any subsequent annual meeting, or at any special meeting duly called for that purpose, the qualified voters of any school district are authorized to adopt by a vote of a majority of such voters present and voting, to be ascertained by taking and recording the ayes and noes, a resolution to elect a treasurer of said district, who shall be the custodian of all moneys belonging to said district, and the disbursing officer of such moneys. If such resolution shall be adopted, such voters shall thereupon elect by a ballot a treasurer for said district. No person shall be eligible to the office of treasurer unless he is a qualified voter in, and a taxable inhabitant of said district. Any person elected treasurer at any meeting other than an annual meeting, shall hold office until the next annual meeting after such election, and until his successor shall be elected or appointed, and thereafter a treasurer shall be elected at each annual meeting for the term of one year.

Powers of
district
meeting

Election of
district
officers

Ballot box

Inspectors
of election

Poll list

Ballots

Declaration
of result

Treasurer,
election of,
how deter-
mined

Eligibility
to office

Term of
office

6 To fix the amount in which the collector and treasurer shall give bonds for the due and faithful performance of the duties of their offices. Collector's and treasurer's bonds

7 To designate a site for a schoolhouse, or, with the consent of the commissioner or commissioners within whose district or districts the schoolhouse lies, to designate sites for two or more schoolhouses for the district. Such designation of a site or sites for a schoolhouse can be made only at a special meeting of the district, duly called for such purpose by a written resolution in which the proposed site shall be described by metes and bounds, and which resolution must receive the assent of a majority of the qualified voters present and voting, to be ascertained by taking and recording the ayes and noes. Designation of site
Special meeting therefor

8 To vote a tax upon the taxable property of the district to purchase, lease and improve such site or sites or an addition to such site or sites; to hire or purchase rooms or buildings for school-rooms or schoolhouses, or to build schoolhouses; and to keep in repair and furnish the same with necessary fuel, furniture and appendages. Tax for sites and school-houses

9 To vote a tax, not exceeding \$25 in any one year, for the purchase of maps, globes, blackboards and other school apparatus, and for the purchase of textbooks and other school necessities for the use of poor scholars of the district. Tax for apparatus and textbooks

10 To vote a tax for the establishment of a school library and the maintenance thereof, or for the support of any school library already owned by said district, and for the purchase of books therefor, and such sum as they may deem necessary for the purchase of a bookcase. Tax for school library

11 To vote a tax to supply a deficiency in any former tax arising from such tax being, in whole or in part, uncollectible. Tax for deficiencies

12 To authorize the trustees to cause the schoolhouse or school-houses, and their furniture, appendages and school apparatus to be insured by any insurance company created by or under the laws of this state. Insurance of property

13 To alter, repeal and modify their proceedings, from time to time, as occasion may require. Alteration of proceedings

14 To vote a tax for the purchase of a book for the purpose of recording their proceedings. Tax for record book

15 To vote a tax to replace moneys of the district, lost or embezzled by district officers; and to pay the reasonable expenses incurred by district officers in defending suits or appeals brought against them for their official acts, or in prosecuting suits or appeals by direction of the district against other parties. Tax to replace moneys
Expenses of suits

TITLE 7

Tax for
teachers'
wages

Trustees
may raise
moneys

16 To vote a tax to pay whatever deficiency there may be in teachers' wages after the public money apportioned to the district shall have been applied thereto; but if the inhabitants shall neglect or refuse to vote a tax for this purpose, or if they shall vote a tax which shall prove insufficient to cover such deficiency, then the trustees are authorized, and it is hereby made their duty, to raise, by district tax, any reasonable sum that may be necessary to pay the balance of teachers' wages remaining unpaid, the same as if such tax had been authorized by a vote of the inhabitants.

Tax for
judgments
for teachers'
wages

Trustees may
levy tax
without vote

17 To vote a tax to pay and satisfy of record any judgment or judgments of a competent court which may have been or shall hereafter be obtained in an action against the trustees of the district for unpaid teachers' wages against the trustees of the district, where the time to appeal from said judgment or judgments shall have lapsed, or there shall be no intent to appeal on the part of such district, or the said judgment or judgments is or are or shall be of the court of last resort; but if the inhabitants shall neglect or refuse to vote a tax for this purpose, or, if they vote a tax which shall prove insufficient to fully satisfy said judgment or judgments, then the trustees are authorized and it is hereby made their duty to raise by district tax the amount of said judgment or judgments, or the deficiency which may exist in any tax voted by said inhabitants to pay said judgment or judgments, the same as if such tax had been authorized by a vote of the inhabitants, and the trustees are hereby authorized, and it is hereby made their duty forthwith, after the expiration of 30 days from notice of any judgment or judgments having been entered against the district or the trustees thereof for unpaid teachers' wages, to call a meeting of the inhabitants of said district, who shall have power, as aforesaid, to vote a tax to pay said judgment or judgments; and in case they refuse or neglect to do so, the trustees are authorized, and it is hereby made their duty, unless said judgment or judgments are appealed from, to raise by district tax the amount of said judgment or judgments as hereinbefore provided.

Trustees may
call meeting

Vote on
expenditures
of money or
levy of tax

18 In all propositions arising at said district meetings, involving the expenditure of money, or authorizing the levy of a tax or taxes, the vote thereon shall be by ballot, or ascertained by taking and recording the ayes and noes of such qualified voters attending and voting at such district meetings.

Conveyance
of pupils to
other districts

19 Whenever any district shall have contracted with the school authorities of any city, village or other school district for the edu-

¹Added by section 5, chapter 264, laws of 1896; and amended by chapter 175, laws of 1903.

cation therein of the pupils residing in such school district, or whenever in any school district children of school age shall reside so remote from the schoolhouse therein that they are practically deprived of school advantages during any portion of the school year, the inhabitants thereof entitled to vote are authorized to provide, by tax or otherwise, for the conveyance of any or all pupils residing therein to the schools of such city, village or district with which such contract shall have been made, or to the school maintained in said district, and the trustees thereof may contract for such conveyance when so authorized in accordance with such rules and regulations as they may establish, and for the purpose of defraying any expense incurred in carrying out the provisions of this act, they may if necessary use any portion of the public money apportioned to such district as a district quota.

§15 In school districts in which the number of children of school age exceeds 300, as shown by the last annual report of the trustees to the school commissioners, the qualified voters of any such district, at any annual meeting thereof, may by the vote of a majority of those present and voting, to be ascertained by taking and recording the ayes and noes, determine that the election of officers of said district shall be held on the Wednesday next following the day designated by law for holding the annual meeting of said district. Until such determination shall be changed, such election shall be held on the Wednesday next following the day on which such annual meeting of such district shall be held in each year, between the hours of 12 o'clock noon and 4 o'clock in the afternoon, at the principal schoolhouse in such district, or such other suitable place as the trustees may designate. When the place of holding such election is other than at the principal schoolhouse, the trustees shall give notice thereof by the publication of such notice, at least one week before the time of holding such election, in some newspaper published in the district, or by posting the same in five conspicuous places in the district. The trustees may, by resolution, extend the time of holding the election from four o'clock until sunset. The trustees shall act as inspectors of election, and if a majority of the trustees shall not be present at the time for opening the polls, those of them in attendance may appoint any of the legal voters of the district present to act as inspectors in place of the absent trustees; and if none of the trustees shall be present at the time of opening the polls, the legal voters present may choose three of their number to act as inspectors. If any such district shall have but one trustee, the legal voters of the district

Election of
officers in
districts over
300

Time of
holding same

Notice of
election

Extension
of time

Inspectors
of election

TITLE 7

Record of
votersPenalty for
refusing to
record names

Challenge

Declaration
thereuponPenalty
for illegal
voting, etc.

Ballot box

Ballots

Canvass of
votes and
declaration
of resultsSpecial
election

present at the time of opening the polls, may choose two of their number to act with said trustee as inspectors. The district clerk shall attend at the election, and record in a book to be provided for that purpose, the name of each elector as he or she deposits his or her ballot. If the district clerk shall be absent, or shall be unable or refuse to act, the trustees or inspectors of election shall appoint some person who is a legal voter in the district to act in his place. Any clerk or acting clerk at such election who shall neglect or refuse to record the name of a person whose ballot is received by the inspectors, shall be liable to a fine of \$25, to be sued for by the supervisor of the town. If any person offering to vote at such election shall be challenged as unqualified, by any legal voter, the chairman of the inspectors shall require the person so offering to vote to make the following declaration: "I do declare and affirm that I am and have been for the 30 days last past an actual resident of this school district, and that I am legally qualified to vote at this election." Every person making such declaration shall be permitted to vote; but if any person shall refuse to make such declaration, his or her ballot shall not be received by the inspectors. Any person who, upon being so challenged, shall wilfully make a false declaration of his or her right to vote at such election, is guilty of a misdemeanor. Any person who shall vote at such election, not being duly qualified, shall, though not challenged, forfeit the sum of \$10, to be sued for by the supervisor of the town for the benefit of the school or schools of the district. The trustees of the district shall, at the expense of the district, provide a suitable box in which the ballots shall be deposited as they are received. Such ballots shall contain the names of the persons voted for, and shall designate the office for which each one is voted, and such ballots may be either written or printed, or partly written and partly printed. The inspectors, immediately after the close of the polls shall proceed to canvass the votes. They shall first count the ballots to determine if they tally with the number of names recorded by the clerk. If they exceed that number enough ballots shall be withdrawn to make them correspond. Said inspectors shall count the votes and announce the result. The person or persons having a majority of the votes respectively for the several offices shall be elected, and the clerk shall record the result of such ballot and election as announced by the inspectors. Whenever the time for holding such election as aforesaid shall pass without such election being held in any such district, a special election shall be called by the trustees or clerk, and if no such election be

called by the trustees or clerk within 20 days after such time shall have passed, the school commissioner or the Superintendent of Public Instruction may order an inhabitant of such district to give notice of such election in the manner provided in the second section of this title; and the officials elected at such special election shall hold their respective offices only until the next annual election, and until their successors are elected and shall have qualified, as in this act provided. All disputes concerning the validity of any such election, or of any votes cast thereat, or of any of the acts of the inspectors or clerk, shall be referred to the Superintendent of Public Instruction, whose decision in the matter shall be final. Such Superintendent may, in his discretion, order a new election in any district.

Terms of officers elected thereat

Election disputes, how decided

The foregoing provision shall not apply to school districts in cities, nor to union free school districts whose limits correspond with those of an incorporated village, nor to any school district organized under a special act of the Legislature, in which the time, manner and form of the election of district officers shall be different from that prescribed for the election of officers in common school districts, organized under the general law, nor to any of the school districts in the counties of Richmond, Suffolk, Chenango, Westchester, Warren, Erie and St Lawrence.

Limitation of foregoing provisions

ARTICLE 2

Of district schoolhouses and sites

§16 No schoolhouse shall be built so as to stand, in whole or in part, upon the division line of any two towns.

Location of schoolhouses

§17 No schoolhouse shall hereafter be erected in any city of the third class or in any incorporated village or school district of this state, and no addition to a school building in any such place shall hereafter be erected the cost of which shall exceed \$500, until the plans and specifications for the same shall have been submitted to the Commissioner of Education and his approval indorsed thereon. Such plans and specifications shall show in detail the ventilation, heating and lighting of such buildings. Such Commissioner of Education shall not approve any plans for the erection of any school building or addition thereto unless the same shall provide at least 15 square feet of floor space and 200 cubic feet of air space for each pupil to be accommodated in each study or recitation room therein, and no such plans shall be approved by him unless provision is made therein for assuring at least 30 cubic

Approval of plans by Commissioner of Education

TITLE 7

feet of pure air every minute per pupil, and the facilities for exhausting the foul or vitiated air therein shall be positive and independent of atmospheric changes. No tax voted by a district meeting or other competent authority in any such city, village or school district exceeding the sum of \$500, shall be levied by the trustees until the Commissioner of Education shall certify that the plans and specifications for the same comply with the provisions of this act. All schoolhouses for which plans and detailed statements shall be filed and approved, as required by this act, shall have all halls, doors, stairways, seats, passageways and aisles and all lighting and heating appliances and apparatus arranged to facilitate egress in cases of fire or accident and to afford the requisite and proper accommodations for public protection in such cases. All exit doors shall open outwardly, and shall, if double doors be used, be fastened with movable bolts operated simultaneously by one handle from the inner face of the door. No staircase shall be constructed with winder steps in lieu of a platform, but shall be constructed with straight runs, changes in direction being made by platforms. No door shall open immediately upon a flight of stairs, but a landing at least the width of the door shall be provided between such stairs and such doorway.

§18 Whenever a majority of the inhabitants of any school district entitled to vote, to be ascertained by taking and recording the ayes and noes of such inhabitants attending and voting at any annual, special or adjourned school district meeting, legally called or held, shall determine that the sum proposed and provided for in the last preceding section shall be raised by instalments, it shall be the duty of the trustees of such district, and they are hereby authorized to cause the same to be raised, levied and collected in equal instalments in the same manner and with the like authority that other school taxes are raised, levied and collected, and to make out their tax list and warrant for the collection of such instalments, with interest thereon, as they become payable, according to the vote of the said inhabitants; but the payment or collection of the last instalment shall not be extended beyond 20 years from the time such vote was taken; and no vote to levy any such tax shall be reconsidered except at an adjourned annual or special meeting, to be held within 30 days thereafter, and a like majority shall be required for reconsideration as that by which tax was originally imposed. For the purpose of giving effect to these provisions, trustees are hereby authorized, whenever a tax shall have

¹As amended by section 1, chapter 274, laws of 1895.

Levy and
collection of
tax in install-
ments upon
favorable vote

Reconsidera-
tion of vote

Issue of bonds

been voted to be collected in instalments for the purpose of building a new schoolhouse or an addition to a schoolhouse, to borrow so much of the sum voted as may be necessary, at a rate of interest not exceeding 6 per centum, and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district and be paid at maturity, and which shall not be sold below par. Due notice of the time and place of the sale of such bonds shall be given at least 10 days prior thereto. It shall be the duty of the trustees or the person or persons having charge of the issue or payment of such indebtedness, to transmit a statement thereof to the clerk of the board of supervisors of the county in which such indebtedness is created, annually, on or before the first day of November.

Notice of
sale thereof

§19 So long as a district shall remain unaltered, the site of a schoolhouse owned by it, upon which there is a schoolhouse erected or in process of erection, shall not be changed, nor such schoolhouse be removed, unless by the consent, in writing, of the school commissioner having jurisdiction; nor with such consent, unless a majority of all the legal voters of said district present and voting, to be ascertained by taking and recording the ayes and noes, at a special meeting called for that purpose, shall adopt a written resolution designating such new site, and describing such new site by metes and bounds.

Change of
site or removal
of school-
house

§20 Whenever the site of a schoolhouse shall have been changed, as herein provided, the inhabitants of a district entitled to vote, lawfully assembled at any district meeting, shall have power, by a majority of the votes of those present, to direct the sale of the former site or lot, and the buildings thereon and appurtenances or any part thereof, at such price and upon such terms as they shall deem proper; and any deed duly executed by the trustees of such district, or a majority of them, in pursuance of such direction, shall be valid and effectual to pass all the estate or interest of such school district in the premises, and when a credit shall be directed to be given upon such sale for the consideration money, or any part thereof, the trustees are hereby authorized to take in their corporate name such security by bond and mortgage, or otherwise, for the payment thereof, as they shall deem best, and shall hold the same as a corporation, and account therefor to their successors in office and to the district, in the manner they are now required by law to account for moneys received by them; and the trustees of any such district for the time being may, in their name of office, sue for and recover the moneys due and unpaid upon any security so taken by them or their predecessors.

Sale of
former
sites and
buildings

Validity
of deeds

Security for
consideration
money

Recovery of
moneys due,
etc.

TITLE 7

Disposition
of proceeds

§21 All moneys arising from any sale made in pursuance of the last preceding section, shall be applied to the expenses incurred in procuring a new site, and in removing or erecting thereon a schoolhouse, and improving and furnishing such site and house, and their appendages, so far as such application shall be necessary; and the surplus, if any, shall be devoted to the purchase of school apparatus and the support of the school, as the inhabitants at any annual meeting shall direct.

ARTICLE 3

Of the qualification, election and terms of office of district officers, and of vacancies in such offices

Eligibility to
office

§22 No school commissioner or supervisor is eligible to the office of trustee, and no trustee can hold the office of district clerk, collector, treasurer or librarian.

Qualifications
of district
officers

§23 Every district officer must be a resident of his district, and qualified to vote at its meetings. No person shall be eligible to hold any school district office who can not read and write.

Terms of
office

§24 From one annual meeting to the next is a year within the meaning of the following provisions: The term of office of a sole trustee of a district is one year. The full term of a joint trustee is three years, but a joint trustee may be elected for one or two years, as herein provided. The term of office of all other district officers is one year. Every district officer shall hold his office, unless removed during his term of office, until his successor shall be elected or appointed.

Expiration of
terms of first
trustees

§25 The terms of all officers elected at the first meeting of a newly created district shall expire on the first Tuesday of August, next thereafter.

Number of
trustees, how
fixed

§26 On the first Tuesday of August next after the erection of a district, at its first annual meeting, the electors shall determine, by resolution, whether the district shall have one or three trustees; and if they resolve to have three trustees, shall elect the three for one, two and three years, respectively, and shall designate by their votes for which term each is elected; thereafter in such district, one trustee shall be elected at each annual meeting to fill the office of the outgoing trustee. The electors of any district having three trustees, shall have power to decide by resolution, at any annual meeting, whether the district shall have a sole trustee or three trustees, and if they resolve to have a sole trustee, the trustee or trustees in office shall continue in office until their term or terms of office shall expire, and no election

Annual
electionReduction of
number

of a trustee shall be had in the district until the offices of such trustee or trustees shall become vacant by the expiration of their terms of office or otherwise, and thereafter but one trustee shall be elected for said district, until the electors of a district having decided to have but one trustee shall determine at an annual meeting, by a two thirds vote of the legal voters present thereat, to have three trustees; in which case they shall, upon the adoption of such resolution, proceed to elect three trustees or such number as may be necessary to form a board of three trustees, in the same manner as provided in this section for the election of three trustees at the first annual meeting after the erection of a district; and thereafter in such district, one trustee shall be elected for three years, at each annual meeting, to fill the office of the outgoing trustee.

§27 It shall be the duty of the district clerk, or of any person who shall act as clerk at any district meeting, when any officer shall be elected, forthwith to give the person elected notice thereof in writing; and such person shall be deemed to have accepted the office, unless, within five days after the service of such notice, he shall file his written refusal with the clerk. The presence of any such person at the meeting which elects him to office, shall be deemed a sufficient notice to him of his election.

§28 The collector or treasurer vacates his office by not executing a bond to the trustee or trustees, as hereinafter required, and the trustee or trustees may supply the vacancy.

§29 In case the office of a trustee shall be vacated by his death, refusal to serve, incapacity, removal from the district, or by his being removed from the office, or in any other manner, and the vacancy be not supplied by a district meeting within one month thereafter, the school commissioner of the commissioner district, within which the schoolhouse or principal schoolhouse of the district is situated, may, by writing, under his hand, appoint a competent person to fill it. If such vacancy is supplied by a district meeting, it shall be for the balance of the unexpired term; but when such vacancy is supplied by appointment by a school commissioner it shall be only until the next annual meeting of the district.

§30 A trustee who publicly declares that he will not accept or serve in the office of trustee, or who refuses or neglects to attend three successive meetings of the board, of which he is duly notified, without rendering a good and valid excuse therefor to the other trustees, or trustee, where there are but two, vacates his office by refusal to serve.

TITLE 7

Vacancies in
office of clerk,
collector or
treasurer

§31 Any vacancy in the office of clerk, collector or treasurer, may be supplied by appointment under the hands of the trustee or trustees of the district, or a majority of them, and the appointees shall hold their respective offices until the next annual meeting of the district, and until others are elected and take their places.

Filing and
notice of ap-
pointment

§32 Every appointment to fill a vacancy shall be forthwith filed by the commissioner or trustees making it, in the office of the district clerk, who shall immediately give notice of the appointment to the person appointed.

Penalty for
refusal to
serve or
neglect of duty

§33 Every person chosen or appointed to a school district office, who being duly qualified to fill the same, shall refuse to serve therein, shall forfeit \$5; and every person so chosen or appointed, who, not having refused to accept the office, shall wilfully neglect or refuse to perform any duty thereof, shall by such neglect or refusal vacate his office and shall forfeit the sum of \$10. These penalties are for the benefit of the school or schools of the district. But the school commissioner of the commissioner district wherein any such person resides may accept his written resignation of the office, and the filing of such resignation and acceptance in the office of the district clerk shall be a bar to the recovery of either penalty in this section mentioned; or such resignation may be made to and accepted by a district meeting.

Acceptance of
resignation

Filing of same
bars recovery
of penalty

ARTICLE 4

Of the duties of the district clerk and treasurer

Duties of
clerk

§34 It shall be the duty of the clerk of each school district:

Record of
proceedings
and reports

1 To record the proceedings of all meetings of the voters of his district in a book to be provided for that purpose by the district, and to enter therein true copies of all reports made by the trustee or trustees to the school commissioner.

Notice of
meetings

2 To give notice, in the manner prescribed by the sixth section of this title, or by the inhabitants, pursuant to such section, of the time and place of holding special district meetings called by the trustee or trustees.

3 To affix a notice in writing of the time and place of any adjourned meeting, when the meeting shall have been adjourned for a longer time than one month, in at least five of the most public places of such district, at least five days before the time appointed for such adjourned meeting.

4 To give the like notice of every annual district meeting.

Notice to per-
sons elected
or appointed

5 To give notice immediately to every person elected or appointed to office of his election or appointment; and also to report

to the town clerk of the town in which the schoolhouse of his district is situated, the names and postoffice addresses of such officers, under a penalty of \$5 for neglect in each instance. Report of names and addresses

6 To notify the trustee or trustees of every resignation duly accepted by the school commissioner. Notice of resignations

7 To keep and preserve all records, books and papers belonging to his office and to deliver the same to his successor. For a refusal or neglect so to do, he shall forfeit \$50 for the benefit of the school or schools of the district, to be recovered by the trustees. Preservation and delivering of records

8 In case his district shall be dissolved, to obey the order of the school commissioner or commissioners as to depositing the books, papers and records of his office in the town clerk's office. Depositing of records of dissolved districts

9 To attend all meetings of the board of trustees when notified, and keep a record of their proceedings in a book provided for that purpose. Attendance at trustee meetings

10 To call special meetings of the inhabitants whenever all the trustees of the district shall have vacated their office. Calling special meetings

11 The records, books and papers belonging or appertaining to the office of the clerk of any school district, as in this section mentioned, are hereby declared to be the property of said school district respectively, and shall be open for inspection by any qualified voter of the district at all reasonable hours, and any such voter may make copies thereof. Records etc. property of districts
Open to inspection

§35 The treasurer of a school district shall be the custodian of all moneys belonging to the district from whatever source derived, and it is hereby made the duty of the trustee or trustees of such district to pay to such treasurer any and all moneys that may come into his or their hands belonging to such district derived from sales of personal or real property of the district, from insurance policies, from bonds of the district issued and sold by him or them, or from any other source whatsoever. The collector of such district shall pay over to such treasurer all moneys collected by him under and by virtue of any tax list and warrant issued and delivered to him. Such treasurer is hereby authorized and empowered to demand and receive from the supervisor of the town in which such school district is situated all public money apportioned to said district. It shall be the duty of such treasurer within 10 days after notice of his election to execute and deliver to the trustee or trustees of such district his bond in such sum as shall have been fixed by a district meeting or as such trustee or trustees shall require, with at least two sureties to be approved by such trustee or trustees, conditioned to faithfully discharge the duties of his office, and to well Treasurer, his duties
Trustees to pay over moneys to treasurer
Collector to pay over moneys
May demand and receive public moneys
Treasurer's bond

TITLE 7

and truly account for all moneys received by him, and to pay over any sum or sums of money remaining in his hands to his successor in office. Such bond when so executed and approved in writing by such trustee or trustees shall be filed with the district clerk. No moneys shall be paid out or disbursed by such treasurer except upon the written orders of a sole trustee or a majority of the trustees. Such treasurer shall, whenever required by such trustee or trustees, report to him or them a detailed statement of the moneys received by him, and his disbursements, and at the annual meeting of such district he shall render a full account of all moneys received by him and from what source and when received, and all disbursements made by him and to whom and the dates of such disbursements respectively, and the balance of moneys remaining in his hands.

ARTICLE 5

Of pupils and teachers

Disburse-
ments, how
made

Report of
receipts and
disbursements

Admission of
pupils to com-
mon schools

§36 Common schools in the several school districts of this state shall be free to all persons over 5 and under 21 years of age residing in the district as hereinafter provided; but nonresidents of a district, if otherwise competent, may be admitted into the school of a district, with the written consent of the trustees, or of a majority of them, upon such terms as the trustees shall prescribe; provided that if such nonresident pupils, their parents or guardians, shall be liable to be taxed for the support of said schools in the district, on account of owning property therein, the amount of any such tax paid by a nonresident pupil, his parent or guardian, during the current school year, shall be deducted from the charge for tuition.

Taxation of
nonresident
pupils

Admission of
Indian pupils

§37 If a school district include a portion of an Indian reservation, whereon a school for Indian children has been established by the Superintendent of Public Instruction, and is taught, the school of the district is not free to Indian children resident in the district or on the reservation, nor shall they be admitted to such school except by the permission of the Superintendent.

Qualifications
of teachers

§38 No teacher is qualified, within the meaning of this act, who does not possess an unannulled diploma granted by a state normal school, or an unrevoked and unannulled certificate of qualification given by the Superintendent of Public Instruction, or an unexpired certificate of qualification given by the school commissioner within whose district such teacher is employed. No person shall be deemed to be qualified who is under the age of 18 years.

¹As amended by section 6, chapter 264, laws of 1896.

§39 No part of the school moneys apportioned to a district can be applied or permitted to be applied to the payment of the wages of an unqualified teacher, nor can his or her wages, or any part of them, be collected by a district tax. Payment to unqualified teachers prohibited

§40 Any trustee who applies, or directs, or consents to the application of any such money to the payment of an unqualified teacher's wages, thereby commits a misdemeanor; and any fine imposed upon him therefor shall be for the benefit of the common schools of the district. Penalty for such payment

§41 Teachers shall keep, prepare and enter in the books provided for that purpose, the school lists and accounts of attendance hereinafter mentioned, and shall be responsible for their safe-keeping and delivery to the clerk of the district at the close of their engagements or terms. Teachers to keep lists of attendance etc.

ARTICLE 6

Of trustees, their powers and duties; and of school taxes and annual reports

§42 The trustee or trustees of every school district, whether there is one, or are three trustees as hereinbefore provided, shall constitute a board for each of said districts respectively, and each of said boards are hereby severally created bodies corporate. Board of trustees

§43 All property which is now vested in, or shall hereafter be transferred to the trustee or trustees of a district, for the use of schools in the district, shall be held by him or them as a corporation. Property to be held as a corporation

§44 A board consisting of a sole trustee of the district shall have all the powers, and be subject to all the duties, liabilities and penalties conferred and imposed by law upon or against a board of three trustees or any trustee or trustees, or a majority of the trustees of said board having three trustees of a district. Sole trustee, his powers and duties

§45 The trustee or trustees of a district compose a board, and every power committed to said trustees by this act must be exercised by the board. The board must meet for the transaction of business in accordance with notice of time and place. In a board composed of three trustees when two only meet to deliberate upon any matter or matters, and the third, if notified, does not attend, or the three meet and deliberate thereon, the conclusion of two upon the matter, and their order, act or proceeding in relation thereto, shall be as valid as though it were the conclusion, order, act or proceeding of the three; and a recital of the two in their minute of the conclusion, act or proceeding, or in their order, act or proceeding of the fact of such notice, or of such meeting and de- Powers to be exercised by board
Conclusions etc. of two trustees valid
Minutes thereof evidence

TITLE 7

Meetings
called by any
member

liberation, shall be conclusive evidence thereof. A meeting of the board may be ordered by any member thereof, by giving not less than 24 hours notice of the same.

Remaining
trustees may
act in case of
vacancies

§46 While there is one vacancy in the office of trustee, the two trustees have all the powers and are subject to all the duties and liabilities of the three. And while there are two such vacancies, the trustee in office shall have all the power and be subject to all the duties and liabilities of the three, as though he were a sole trustee. When a vacancy or vacancies shall occur in the office of trustee, the first act of the board shall be to call a special meeting of the district to supply such vacancy or vacancies.

Special
meetings for
vacancies

Duties of
trustees

§47 It shall be the duty of the trustee or trustees of every school district, and they shall have power:

Special
meetings

1 To call special meetings of the inhabitants of such districts whenever they shall deem it necessary and proper.

Notice of
meetings

2 To give notice of special, annual and adjourned meetings in the manner prescribed in the sixth section of this title, if there be no clerk of the district, or be he absent or incapable of acting, or shall refuse to act.

Tax list

3 To make out a tax list of every district tax voted by any such meeting, or authorized by law, containing the names of all the taxable inhabitants residing in the district at the time of making out the list, and the amount of tax payable by each inhabitant, set opposite to his name, as directed in the seventh article of this title.

Warrant to
collector

4 To annex to such tax list a warrant, directed to the collector of the district, for the collection of the sums in such list mentioned.

Purchase,
lease etc.
of school-
houses etc.

5 To purchase or lease a site or sites for the district schoolhouse or schoolhouses, as designated by a meeting of the district and to build, or purchase such schoolhouse or houses as may be so designated; and to hire rooms or buildings for such school purposes, and to keep in repair and furnish such schoolhouse or houses, rooms or buildings with necessary fuel, furniture, school apparatus, heating apparatus and appendages, and to pay the expense thereof by tax but such expense shall not exceed \$50 in any one year, unless authorized by the district or by law.

Repairs and
furniture

Custody of
property

6 To have the custody and safe-keeping of the district schoolhouse or houses, their sites and appurtenances.

Insurance
of school-
houses, appar-
atus, etc.

7 When thereto authorized by a meeting of the district to insure the schoolhouse or houses, and their furniture, and the school apparatus in some company created by or under the laws of this state, and to comply with the conditions of the policy, and raise the pre-

miums by a district tax. If the district meeting shall neglect to make such authorization, it shall be the duty of the trustee or trustees to insure such schoolhouse or houses, and their furniture and school apparatus, and the premiums paid shall be raised by district tax.

8 To insure the school library in such a company in a sum fixed by a district meeting, and to raise the premium by a district tax, and comply with the conditions of the policy. Insurance of library

¹9 To contract with and employ all teachers in the district school or schools as are qualified under the provisions of this act, and to designate the number of teachers to be employed; to determine the rate of compensation to be paid to each teacher and the term of the employment of each teacher, respectively, and to determine the terms of school to be held in their respective districts during each school year; but no person who is related to any trustee or trustees by blood or marriage shall be so employed, except with the approval of two thirds of the voters of such district present and voting upon the question at an annual or special meeting of the district. Nor shall the trustees of any school district make any contract for the employment of a teacher for more than one year in advance. Nor shall any trustee or trustees, employ any teacher for a shorter time than 10 weeks unless for the purpose of filling out an unexpired term of school. Nor shall any trustee or trustees contract with any teacher whose certificate of qualification shall not cover a period at least as long as that covered by the contract of service. Nor shall any teacher be dismissed in the course of a term of employment, except for reasons which, if appealed to the Superintendent of Public Instruction, shall be held to be sufficient cause for such dismissal. Any failure on the part of a teacher to complete an agreement to teach a term of school without good reason therefor shall be deemed sufficient ground for the revocation of the teacher's certificate. Any person employed in disregard of the foregoing provisions shall have no claim for wages against the district, but may enforce the specific contract made against the trustee or trustees consenting to such employment as individuals. Employment of teachers
Term of employment
Dismissal of teachers
Revocation of certificates
Claim for wages

²10 All trustees of school districts who shall employ any teacher to teach in any of said districts shall, at the time of such employment, make and deliver to such teacher, or cause to be made and delivered, a contract in writing, signed by said trustee or trustees, or by some person duly authorized by said trustee or trustees to Contracts for employment of teachers

¹As amended by section 9, chapter 264, laws of 1896.

²As amended by section 8, chapter 264, laws of 1896.

TITLE 7

Pay of
teachers,
when due

represent him or them in the premises in which the details of the agreement between the parties, and particularly the length of the term of employment, the amount of compensation and the time or times when such compensation shall be due and payable shall be clearly and definitely set forth. The pay of any teacher employed in any of the school districts of this state shall be due and payable at least as often as at the end of each calendar month of the term of employment.

Rules

11 To establish rules for the government and discipline of the schools in their respective districts; and to prescribe the course of studies to be pursued in such schools. Provision shall be made for instructing pupils in all schools supported by public money or under state control, in physiology and hygiene, with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system.

Instruction
of pupils in
physiology
and hygiene

Payment of
teachers
wages

12 To pay, towards the wages of such teachers as are qualified, the public moneys apportioned to the district legally applicable thereto, by giving them orders therefor on the supervisor, or on the collector or treasurer of such district when duly qualified to receive and disburse the same, and to collect, as herein provided, the residue of such wages by direct tax. But no trustee shall issue any order or draw a draft upon the supervisor; collector or treasurer for any money unless there shall be at the time a sufficient amount of money in the hands of such supervisor, collector or treasurer belonging to the district, to meet such order or draft, and a violation of this provision by any trustee shall be a misdemeanor and punishable as such. If, at the time of the employment of a qualified teacher for a term of school, there shall be no public moneys in the hands of the supervisor, collector or treasurer applicable to the payment of teachers wages, or if there shall not be a sufficient amount in the hands of either or all such officers to enable the trustee or trustees to pay the teachers wages as they fall due, and the district meeting has failed or neglected to authorize a tax to pay the same, the trustee or trustees of such school district are hereby authorized and empowered, and it shall be their duty, to collect by district tax an amount sufficient to pay the wages of such teacher for such term, but not to exceed four months in advance.

Order for
money, when
not to issue

Misdemeanor

District tax
for teachers
wages

Division of
public moneys
for each term

13 To divide such public moneys apportioned to the district, whenever authorized by a vote of their district into two or more portions for each year; to assign and apply one of such portions to each term during which a school shall be kept in such district,

for the payment of teachers wages during such term; and to collect the residue of such wages not paid by the proportion of public money allotted for that purpose, by district tax as herein provided.

Collection of residue of wages by tax

14 To draw upon the supervisor, the collector or treasurer, when duly qualified to receive and disburse the same, for the school and library moneys, by written orders signed by the sole trustee, or where there are three trustees, signed by a majority of said trustees as prescribed by subdivisions 1 and 2 of section 4 of title 3 of this act.

Drawing of moneys

15 After having paid toward the wages of such teachers as are qualified, the public moneys of the district legally applicable thereto, by giving them orders on the supervisor, collector or treasurer therefor, to collect the residue of such wages by a district tax, or, if the same shall have been already collected, to give such teacher an order on the collector or treasurer for the balance of his or her wages still remaining unpaid. But it shall be a misdemeanor, and punishable as such, for a trustee or trustees to give an order upon the collector or treasurer unless there shall be in the hands of said collector or treasurer, at the time, sufficient money belonging to the district to meet the same.

Tax for balance of wages

Orders on collector and treasurer

When forbidden

§48 The trustee or trustees in the several school districts shall provide suitable and convenient water-closets or privies for each of the schools under their charge, at least, two in number, which shall be entirely separated each from the other, and having separate means of access, and the approaches thereto shall be separated by a substantial close fence not less than seven feet in height. It shall be the duty of the trustee or trustees aforesaid to keep the same in a clean and wholesome condition, and a failure to comply with the foregoing provisions of this section on the part of such trustee or trustees, shall be sufficient ground for his or their removal from office, and for withholding from the district any share of the public moneys of the state. Any expense incurred by such trustee or trustees in carrying out the requirements of this act shall be a charge upon the district, when such expense shall have been approved by the school commissioner of the district within which the school district is located, and a tax may be levied therefor without a vote of the district.

Water-closets

Expense and tax therefor

§49 All school buildings situated in the school districts of the state, other than in the cities of New York and Brooklyn, which are more than two stories high, shall have properly constructed stairways on the outside thereof, with suitable doorways leading

Stairways on outside of buildings

TITLE 7

Trustees to
cause same
to be con-
structed, etc.

thereto, from each story above the first, for use in case of fire. Such stairways shall be kept in good order and free from obstruction. It shall be the duty of the trustee or trustees having charge of said school buildings in school districts to cause such stairways to be constructed and maintained, and the reasonable and proper cost thereof, shall, in each case, be a legal charge upon the district, and shall be raised by tax, as other moneys are raised for school purposes.

Repairs to
schoolhouses
and apparatus

§50 The trustee or trustees of each school district shall keep each of the schoolhouses under his or their charge, and its furniture, school apparatus and appendages, in necessary and proper repair, and make the same reasonably comfortable for use, but not at an expense of exceeding \$50 in any one year, except by a vote of the district. Said trustee or trustees shall also expend a

Outbuildings

sum not exceeding \$50, in the erection of necessary outbuildings, when the district is wholly unprovided with such buildings, upon the direction of the school commissioner in whose district such schoolhouse is situated, or of the Superintendent of Public Instruc-

Nuisances

tion. Said trustee or trustees shall also make any repairs and abate any nuisances, pursuant to the direction of the school commissioner, as hereinbefore provided, and shall provide fuel, stoves or other heating apparatus, pails, brooms and other implements necessary to keep the schoolhouse or houses and the schoolroom

Fuel etc.

or rooms clean, and make them reasonably comfortable for use, when no provision has been made therefor by a vote of the district, or the sum voted by the district for said purposes shall have proved insufficient. Said trustee or trustees shall also provide for

Janitor's work

building fires and cleaning the schoolroom or rooms, and for janitor work generally in and about the schoolhouse or houses, and pay for such service such reasonable sum as may be agreed upon

Account books

therefor. They shall provide the bound blank books for the entering of their accounts and the keeping of the school lists, the records of the district and the proceedings of district and trustee meetings, and they may expend in the purchase of dictionary, maps, globes or other school apparatus, a sum not exceeding \$25 in any one year. Whenever it shall be necessary for the

Dictionaries,
school appar-
atus, etc.

Temporary
or branch
schoolrooms

due accommodation of the children of the district, by reason of any considerable number of said children residing in portions of said districts remote from the schoolhouse in said district, thereby rendering it difficult for them in inclement weather and in winter to attend school at such schoolhouse, or by reason of the room or rooms in said schoolhouse being overcrowded, or for any other

sufficient reason the due accommodation of said children can not be made in said schoolhouse, they shall establish temporary or branch school or schools in such place or places in said district as shall best accommodate such children, and hire any room or rooms for the keeping of said temporary or branch school or schools, and fit up and furnish said room or rooms in a suitable manner for conducting such school or schools therein. Any expenditure made or liability incurred in pursuance of this section shall be a charge upon the district. District charges

§51 When trustees are required or authorized by law, or by a vote of their district, to incur any expense for such district, and when any expenses incurred by them are made, by express provision of law, a charge upon such district, they may raise the amount thereof by tax in the same manner as if the definite sum to be raised had been voted by a district meeting. May raise any legal sum by tax

§52 The trustees, or any one of them, if not forbidden by another, may freely permit the schoolhouse, when not in use for the district school, to be used by persons assembling therein for the purpose of giving and receiving instruction in any branch of education or learning, or in the science or practice of music. Use of schoolhouse by others

§53 They shall procure two bound blank books for the district and, when necessary, others in their places. In one of them, at or before each annual district meeting, they shall enter at large and sign a statement of all movable property belonging to the district, and their accounts of all moneys received or drawn for or paid by them, and they shall deliver this book to their successors. In the other, the teachers shall enter the names of the pupils attending school, their ages, the names of the persons who send them, and the number of days each pupil attends; and, also, the facts and the dates of each inspection of the school by the school commissioner or other official visitor, and any other facts, and in such form as the Superintendent of Public Instruction shall require; and each teacher shall, by his oath or affirmation, verify his entries in such book, and the entries shall constitute the school lists from which the average daily attendance shall be determined; and such oath or affirmation may be taken by the district clerk, but without charge. Until the teacher shall have so made and verified such entries, the trustees shall not draw on the supervisor, collector or treasurer for any portion of his or her wages. Account books to be kept
Teachers records
Verification of entries
Withholding of pay

§54 If any portion of the moneys apportioned to the district shall not be paid by the supervisor, the collector or treasurer, Notification of moneys withheld

TITLE 7

upon the due requirement of the trustees, they shall forthwith notify the treasurer of the county, and the Superintendent of Public Instruction, of the fact.

Annual report
to districts

§55 The trustees shall, once in each year, render to the district, at its annual district meeting, a just, full and true account in writing, under their hands, of all moneys received by them respectively for the use of the district, or raised or collected by taxes, the preceding year, and of the manner in which the same shall have been expended, and showing to which of them an unexpended balance, or any part thereof, is chargeable; and of all drafts or orders made by them upon the supervisor, collector, treasurer or other custodian of moneys of the district; and a full statement of all appeals, actions or suits and proceedings brought by or against them, and of every special matter touching the condition of the district.

Payment of
balances to
successors

§56 An outgoing trustee shall forthwith pay, to his successor or any other trustee of the district in office, all unexpended moneys in his hands belonging to the district.

Neglect or
refusal to
account

§57 By a wilful neglect or refusal to render such account, a trustee also forfeits any unexpired term of his office, and becomes liable to the trustees for any district moneys in his hands.

Suing of
former
trustees

§58 The trustees in office shall sue for and recover any district moneys in the hands of any former trustee, or of his personal representatives, and apply them to the use of the district.

Annual report
to commis-
sioner

§59 The trustees of each school district shall, on the first day of August in each year, make to the school commissioner a report in writing for the year ending July 31 preceding. In every case the trustee or trustees shall sign and certify to said report and deliver it to the clerk of the town, in which the schoolhouse of the district is situated; and every such report shall certify:

Items of
report

Whole time
school has
been kept, etc.

1 The whole time any school has been kept in their district during the year ending on the day previous to the date of such report, and distinguishing what portion of the time such school has been kept by qualified teachers, and the whole number of days, including holidays, in which the school was taught by qualified teachers.

Amount of
drafts for
payments

2 The amount of their drafts upon the supervisor, collector or treasurer for the payment of teachers wages during such year; and the amount of their drafts upon him for the purchase of books and school apparatus during such year, and the manner in which such moneys have been expended,

3 The number of children taught in the district school or schools during such year by qualified teachers, and the sum of the days attendance of all such children upon the school. Attendance of children

4 The number of children residing in the district on the 30th day of June previous to the making of such report, and the names of the parents or other persons with whom such children did respectively reside, and the number of children residing with each. Number of children, names of parents, etc.

5 The number of vaccinated and unvaccinated children of school age in their respective districts. Vaccination

6 The amount of money paid for teachers wages, in addition to the public money paid therefor, the amount of taxes levied in said district for purchasing schoolhouse sites, for building, hiring, purchasing, repairing and insuring schoolhouses, for fuel, for school libraries, or for any other purpose allowed by law, and such other information in relation to the schools and the district as the Superintendent of Public Instruction may, from time to time, require. Amount of payments and taxes

§60 The annual reports of trustees of school districts, of children residing in their district, shall include all over 5 and under 21 years of age, who shall have been, on the 30th day of June last preceding the date of such report, actually in the district, comprising a part of the family of their parents or guardians or employers, if such parents, guardians or employers resided at the time in such district, although such residence was temporary; but such report shall not include children belonging to the family of any person who shall be an inhabitant of any other district in this state, in which such children may by law be included in the report of its trustees; nor any children who are supported at a county poorhouse or an orphan asylum; nor any Indian children residing on reservations where schools provided by law for their education are taught. Children included in reports

§61 Where a school district lies in two or more counties, its trustees shall make such an annual report for each part of it lying in a different county, and file each in the office of the clerk of the town in which the part of the district to which it especially relates lies; and such report shall be in the form and contain all such special matters as the Superintendent of Public Instruction shall from time to time prescribe. Report of joint districts

TITLE 7

ARTICLE 7

*Of the assessment of district taxes, and the collection of such taxes; and of the collector, his powers, duties and liabilities*Assessment
and tax list
therefor

§62 Within 30 days after a tax shall have been voted by a district meeting, the trustees shall assess it, and make out the tax list therefor, and annex thereto their warrant for its collection. But they may at the same time assess two or more taxes so voted, and any tax or taxes they are authorized to raise without such vote, and make out one tax list and one warrant for the collection of the whole. They shall also prefix to their tax list a heading showing for what purpose the different items of the tax are levied.

Heading on
tax listTaxes, how
apportioned
and assessedLand lying
in one bodyNonresident
lands

Personal estate

Bank stock

Valuations of
taxable
property

§63 School district taxes shall be apportioned by the trustees upon all real estate within the boundaries of the district which shall not be by law exempt from taxation, except as hereinafter provided, and such property shall be assessed to the person or persons, or corporation owning or possessing the same at the time such tax list shall be made out, but land lying in one body and occupied by the same person, either as owner or agent for the same principal, or as tenant under the same landlord, if assessed as one lot on the last assessment roll of the town after revision by the assessors, shall, though situated partly in two or more school districts, be taxable in that one of them in which such occupant resides. This rule shall not apply to land owned by nonresidents of the district, and which shall not be occupied by an agent, servant or tenant residing in the district. Such unoccupied real estate shall be assessed as nonresident, and a description thereof shall be entered in the tax list. The trustees shall also apportion the district taxes upon all persons residing in the district, and upon all corporations liable to taxation therein, for the personal estate owned by them and liable to taxation. They shall also apportion the same upon nonresident stockholders in banks or banking associations situated in their districts for the amount of stock owned by them therein, and upon individual bankers doing business in their district in accordance with the provisions of chapter 409 of the laws of 1882, as amended by sections 2, 3 and 4 of chapter 714 of the laws of 1892.

§64 The valuations of taxable property shall be ascertained, so far as possible, from the last assessment roll of the town, after

¹ See section 24 and 25, article 2, of the tax law on page 720, mortgage tax law.

² Chapter 385, laws of 1904, relates to completion of assessment roll, and chapter 279, laws of 1904 fixes Sep. 15 as date when assessment rolls must be filed in the office of town clerk.

revision by the assessors; and no person shall be entitled to any reduction in the valuation of such property, as so ascertained, unless he shall give notice of his claim to such reduction in writing to the trustees of the district before the tax list shall be made out.

§65 Where such reduction shall be duly claimed and where the valuation of taxable property can not be ascertained from the last assessment roll of the town, or where the valuation of such property shall have increased or diminished, since the last assessment roll of the town, or an error, mistake or omission on the part of the town assessors shall have been made in the description or valuation of taxable property, the trustees shall ascertain the true value of the property to be taxed from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner as the town assessors are required by law to proceed in the valuation of taxable property, the hearing of grievances, and the revision of the town assessment roll.

Reduction of valuation

Equalization of valuations in joint districts

§66 When a district embraces parts of more than one town, it shall be the duty of the supervisors of such towns so in part embraced and they are hereby directed, upon receiving a written notice from the trustee or trustees of such district, or from three or more persons liable to pay taxes upon real estate therein, to meet at a time and place to be named in such notice, which time shall not be less than five or more than 10 days from the service thereof, and a place within the bounds of the towns so in part embraced, and proceed to inquire and determine whether the valuation of real property upon the several assessment rolls of said towns are substantially just, as compared with each other, so far as said districts are concerned, and if ascertained not to be so, they shall determine the relative proportion of taxes that ought to be assessed upon the real property of the parts of such district lying in different towns, and the trustees of such district shall thereupon assess the proportion of any tax thereafter to be raised, according to the determination of such supervisors, until new assessment rolls of the town shall be perfected and filed, using the assessment rolls of the several towns to distribute the said proportion among the persons liable to be assessed for the same. In cases when such supervisors shall be unable to agree, they shall summon a supervisor from some adjoining town, who shall unite in such inquiring, and the finding of a majority shall be the determination of such meeting. Such supervisors shall receive for their services \$3 per day for each day actually employed which shall be a town charge upon their respective towns.

Duty of supervisor

Assessment of tax thereafter

Provisions in case of nonagreement

Compensation of supervisors

TITLE 7

Persons working land on shares or in possession by contract

§67 Any person working land under a contract for a share of the produce of such land, shall be deemed the possessor, so far as to render him liable to taxation therefor, in the district where such land is situate, and any person in possession of real property under a contract for the purchase thereof shall be liable to taxation therefor in the district where such real property is situate.

Nonresidents having agents, etc. on land

§68 Every person owning or holding any real property within any school district, who shall improve and occupy the same by his agent or servant, shall, in respect to the liability of such property to taxation, be considered a taxable inhabitant of such district, in the same manner as if he actually resided therein.

Tenants paying tax

§69 Where any district tax, for the purpose of purchasing a site for a schoolhouse, or for purchasing or building, keeping in repair, or furnishing such schoolhouse with necessary fuel and appendages, shall be lawfully assessed, and paid by any person on account of any real property whereof he is only a tenant at will, or for three years, or for a less period of time, such tenant may charge the owner of such real estate with the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.

Exemption of certain persons from taxation for schoolhouses

§70 Every taxable inhabitant of a district who shall have been, within four years, set off from any other district, without his consent, and shall within that period, have actually paid in such other district, under a lawful assessment therein, a district tax for building a schoolhouse, shall be exempted by the trustees of the district where he shall reside, from the payment of any tax for building a schoolhouse therein.

Taxes on nonresident lands

§71 When any real estate within a district so liable to taxation shall not be occupied and improved by the owner, his servant or agent and shall not be possessed by any tenant, the trustees of any district, at the time of making out any tax list by which any tax shall be imposed thereon, shall make and insert in such tax list a statement and description of every such lot, piece or parcel of land so owned by nonresidents therein, in the same manner as required by law from town assessors in making out the assessment roll of their towns; and if any such lot is known to belong to an incorporated company liable to taxation in such district, the name of such company shall be specified, and the value of such lot or piece of land shall be set down opposite to such description, which value shall be the same that was affixed to such lot or piece of land in the last assessment roll of the town; and if the same was not separately valued in such roll, then it shall be valued in proportion to

Incorporated companies etc.

the valuation which was affixed in the said assessment roll to the whole tract of which such lot or piece shall be part.

§72 If any tax on real estate placed upon the tax list and duly delivered to the collector, or the taxes upon nonresident stockholders in banking associations organized under the laws of Congress, shall be unpaid at the time the collector is required by law to return his warrant, he shall deliver to the trustees of the district an account of the taxes remaining due, containing a description of the lands upon which such taxes were unpaid as the same were placed upon the tax list, together with the amount of the tax so assessed, and upon making oath before any justice of the peace or judge of court of record, notary public or any other officer authorized to administer oaths, that the taxes mentioned in any such account remain unpaid, and that, after diligent efforts, he has been unable to collect the same, he shall be credited by said trustees with the amount thereof.

Return of unpaid taxes by collector

§73 Upon receiving any such account from the collector, the trustees shall compare it with the original tax list, and, if they find it to be a true transcript, they shall add to such account their certificate, to the effect that they have compared it with the original tax list and found it to be correct, and shall immediately transmit the account, affidavit and certificate to the treasurer of the county.

Certification and transmission thereof to county treasurer

§74 Out of any moneys in the county treasury, raised for contingent expenses, or for the purpose of paying the amount of the taxes so returned unpaid, the treasurer shall pay to the collector the amount of the taxes so returned as unpaid, with one per centum of the amount in addition thereto, for the compensation of such collector, and if there are no moneys in the treasury applicable to such purpose, the board of supervisors, at the time of levying said unpaid taxes, as provided in the next section, shall pay to the collector of the school district the amount thereof, with said addition thereto, by voucher or draft on the county treasurer, in the same manner as other county charges are paid, and the collector shall be again charged therewith by the trustees.

Amount of unpaid taxes to be paid collector

§75 Such account, affidavit and certificate shall be laid by the county treasurer before the board of supervisors of the county, who shall cause the amount of such unpaid taxes, with 7 per cent of the amount in addition thereto, to be levied upon the lands upon which the same were imposed; and if imposed upon the lands of any incorporated company, then upon such company; and when collected the same shall be returned to the county treasurer to

Collection of unpaid taxes

¹As amended by section 4, chapter 512, laws of 1897.

TITLE 7

reimburse the amount so advanced, with the expenses of collection; and if imposed upon the stock of a nonresident stockholder in a banking association organized under the laws of Congress, then the same, with 7 per cent of the amount in addition thereto, shall be a lien upon any dividends thereafter declared upon such stock, and, upon notice by the board of supervisors to the president and directors of such bank of such charge upon such stock, the president and directors shall thereafter withhold the amount so stated from any future dividends upon such stock, and shall pay the same to the collector of the town duly authorized to receive the same.

Payment
before levy
of tax

§76 Any person whose lands are included in any such account may pay the tax assessed thereon, with 5 per centum added thereto, to the county treasurer, at any time before the board of supervisors shall have directed the same to be levied.

Proceeding for
collection of
unpaid taxes

§77 The same proceedings in all respects shall be had for the collection of the amount so directed to be raised by the board of supervisors as are provided by law in relation to the county taxes; and, upon a similar account, as in the case of county taxes of the arrears thereof uncollected, being transmitted by the county treasurer to the Comptroller, the same shall be paid on his warrant to the treasurer of the county advancing the same; and the amount so assumed by the state shall be collected for its benefit, in the manner prescribed by law in respect to the arrears of county taxes upon land of nonresidents; or if any part of the amount so assumed consisted of a tax upon any incorporated company, the same proceedings may also be had for the collection thereof as provided by law in respect to the county taxes assessed upon such company.

Warrant for
collection of
tax

§78 The warrant for the collection of a district tax shall be under the hands of the trustees, or a majority of them, with or without their seals; and it shall have the like force and effect as a warrant issued by a board of supervisors to a collector of taxes in the town; and the collector to whom it may be delivered for collection shall be thereby authorized and required to collect from every person in such tax list named the sum set opposite to his name, or the amount due from any person or persons specified therein, in the same manner that collectors are authorized to collect town and county taxes.

Delivery
collector

§79 A warrant for the collection of a tax voted by the district shall not be delivered to the collector until the 31st day after the tax was voted. A warrant for the collection of any tax not so voted may be delivered to the collector whenever the same is completed.

¹As amended by section 2, chapter 769, laws of 1895.

§80 Within such time, not less than 10 days, as the trustees shall allow him for the purpose, the collector, before receiving the first warrant for the collection of money, shall execute a bond to the trustees, with one or more sureties, to be approved by a majority of the trustees, in such amount as the district meeting shall have fixed, or if such meeting shall not have fixed the amount, then in such amount as the trustees shall deem reasonable, conditioned for the due and faithful execution of the duties of his office. The trustees, upon receiving said bond, shall, if they approve thereof, indorse their approval thereon, and forthwith deliver the same to the town clerk of the town in which said collector resides, and said clerk shall file the same in his office, and enter in a book to be kept by him for that purpose, a memorandum, showing the date of said bond, the names of the parties and sureties thereto, the amount of the penalty thereof, and the date and time of filing the same, and said town clerk is authorized to receive as a fee for such filing and memorandum the sum of 25 cents, which sum is hereby made a charge against the school district interested in said bond; and in case the trustees of any school district, other than those within the limits of any city or incorporated village, shall deem it for the best interests of the district or the public to have the collector of such district disburse to teachers the money apportioned by the state for teachers wages, they shall so direct, by resolution to be entered upon the minutes of their proceedings, and thereupon the said collector, before receiving any such money for such purpose, shall execute a bond to the trustees, with two or more sureties, in double the amount of the last apportionment, with like condition of sureties, approval of trustees, and amount and like directions as to filing as are required above for a bond for the collection of taxes, and conditioned also for the due and faithful execution of the duties of his office as such disbursing agent. In districts in which a treasurer shall be elected as hereinbefore provided in this title, the collector shall not receive or disburse any of the money apportioned by the state for teachers wages, but the same shall be paid by the supervisor to such treasurer as hereinbefore provided.

Collector's bond

Approval and filing thereof

Disbursement of state school moneys

Collectors bond to trustees

Disbursement of moneys in districts having treasurer

§81 The collector, on the receipt of a warrant for the collection of taxes, shall give notice to the taxpayers of the district by publicly posting written or printed, or partly written and partly printed notices in at least three public places in such district, one of which

Notice of receiving taxes

¹As amended by section 1, chapter 575, laws of 1896

²As amended by section 1, chapter 440, laws of 1899.

TITLE 7

shall be on the outside of the front door of the schoolhouse, stating that he has received such warrant and will receive all such taxes as may be voluntarily paid to him within 30 days from the time of posting said notice. Such collector shall also give a like notice either personally or by mail, at least 20 days previous to the expiration of the 30 days aforesaid, to the ticket agent at the nearest station of any railroad corporation, or the president, secretary, general or division superintendent or manager of any canal or pipe lines assessed for taxes upon the tax list delivered to him with the aforesaid warrant, and where the amount of the tax is \$1 or more the collector shall also give a like notice to all nonresident taxpayers on said list whose residence or postoffice address may be known to such collector, or which may be ascertained by him upon inquiry of the trustees and clerk of his district, and no school collector shall be entitled to recover from any railroad corporation, canal company or pipe line or nonresident taxpayer more than 1 per cent fees on the taxes assessed against such corporation or nonresident, unless such notice shall have been given as aforesaid; and in case the whole amount of taxes shall not be so paid in the collector shall forthwith proceed to collect the same. He shall receive for his services, on all sums paid in as aforesaid, 1 per cent, and upon all sums collected by him, after the expiration of the time mentioned, 5 per cent, except as hereinbefore provided; and in case a levy and sale shall be necessarily made by such collector, he shall be entitled to traveling fees, at the rate of 10 cents per mile, to be computed from the schoolhouse in such district.

§82 Any collector to whom any tax list and warrant may be delivered for collection may execute the same in any other district or town in the same county, or in any other county where the district is a joint district and composed of territory from adjoining counties, in the same manner and with the like authority as in the district in which the trustees issuing the said warrant may reside, and for the benefit of which said tax is intended to be collected; and the bail or sureties of any collector, given for the faithful performance of his official duties, are hereby declared and made liable for any moneys received or collected on any such tax list and warrant.

§83 If the sum or sums of money, payable by any person or persons named in such tax list, shall not be paid by him or them or collected by such warrant within the time therein limited, it shall and may be lawful for the trustees to renew such warrant in respect to such delinquent person or persons; and whenever more than one

Notice to railroad companies and nonresident taxpayers.

Collectors fees

Warrant may be executed in another town etc.

Liability of sureties

Renewal of warrants

renewal of a warrant for the collection of any tax list may become necessary in any district, the trustees may make such further renewal or renewals, with the written approval of the supervisor of any town in which a schoolhouse of said district shall be located, to be indorsed upon such warrant.

§84 Whenever the trustees of any school district shall discover any error in a tax list made out by them, they may, with the approval and consent of the Superintendent of Public Instruction, after refunding any amount that may have been improperly collected on such tax list, if the same shall be required by him, amend and correct such tax list, as directed by the Superintendent, in conformity to law. Amendment or correction of tax lists

§85 Whenever any sum or sums of money payable by any person or persons named in such tax list, shall not be paid by such person or persons, or collected by such warrant within the time therein limited, or the time limited by any renewal of such warrant; or in case the property assessed be real estate belonging to an incorporated company, and no goods or chattels can be found whereon to levy the tax, the trustee or trustees may sue for and recover the same in their name of office. Suits for recovery of taxes

§86 The collector shall keep in his possession all moneys received or collected by him by virtue of any warrant, or received by him from the county treasurer or board of supervisors for taxes returned as unpaid, or moneys apportioned by the state or raised by direct taxation for teachers wages or library, to be by him paid out upon the written order of a majority of the trustees; said collector, when a treasurer shall have been elected in his district, shall pay over the moneys collected by him by virtue of his warrant, to said treasurer as hereinbefore provided in this title; and he shall report in writing, at the annual meeting, all his collections, receipts and disbursements, and shall report to the supervisor on or before the first Tuesday in March in each year the amounts of school moneys in his hands not paid out on trustees orders, and shall pay over to his successor in office, when he has duly qualified and given bail, all moneys in his hands belonging to the district. Custody of moneys
Payment over of moneys to treasurer
Reports of receipts and disbursements
Payment over of moneys to successor

§87 If by the neglect of any collector any moneys shall be lost to any school district, which might have been collected within the time limited in the warrant delivered to him for their collection, he shall forfeit to such district the amount of the moneys thus lost, and shall account for and pay over the same to the trustees of such district, in the same manner as if they had been collected. Collector to make up loss

TITLE 8

Recovery of
money on
collectors
bond etc.

§88 For the recovery of all such forfeitures, and of all balances in the hands of the collector, which he shall have neglected or refused to pay to his successor, or to the treasurer of such district, the trustees, in their name of office, shall have their remedy upon the official bond of the collector, or any action and any remedy given by law; and they shall apply all such moneys, when recovered, in the same manner as if paid without suit.

Delivery and
filing of tax
list and
warrant

§89 Within 15 days after any tax list and warrant shall have been returned by a collector to the trustees of any school district, the trustees shall deliver the same to the town clerk of the town in which the collector resides, and said town clerk shall file the same in his office.

TITLE VIII

Union free schools, how established, who are voters at meetings and their powers; election and terms of office of members of board of education, and powers of such board

ARTICLE 1

Of the proceedings for the establishment of union free schools, powers of voters at meetings; classification of terms of office and election of members of boards of education; certified copies of proceedings of meetings to be filed; board of education to elect a president and appoint a treasurer and collector

Call for a
special meet-
ing to form
district

§1 Whenever 15 persons entitled to vote at any meeting of the inhabitants of any school district in the state, sign a request for a meeting, to be held for the purpose of determining whether a union free school shall be established therein in conformity with the provisions of this title, it shall be the duty of the trustees of such district, within 10 days after such request shall have been presented to them, to give public notice that a meeting of the inhabitants of such district, entitled to vote thereat, will be held for such purpose as aforesaid, at the schoolhouse, or other more suitable place, in such district, on a day and at an hour in such notice to be specified, not less than 20 nor more than 30 days after the publication of such notice. If the trustees shall refuse to give such notice, or shall neglect to give the same for 20 days, the Superintendent of Public Instruction may authorize and direct any inhabitant of said district to give the same. The qualifications of the inhabitants, entitled to vote at such meeting, shall be sufficiently set forth in the notice aforesaid.

Notice of
meeting

Superintend-
ent may order
meeting

Qualifications
of voters

Notices, how
given in vil-
lage districts

§2 Whenever such district shall correspond wholly or in part with an incorporated village, in which there shall be published a

¹As amended by section 9, chapter 264, laws of 1896.

daily or weekly newspaper, the notice aforesaid shall be given by posting at least five copies thereof, severally, in various conspicuous places in said district, at least 20 days prior to such meeting, and by causing the same to be published once a week for three consecutive weeks before such meeting, in all the newspapers published in said district. In other districts the said notice shall be given by posting the same as aforesaid, and in addition thereto, the trustees of such district shall authorize and require any taxable inhabitant of the same, to notify every other inhabitant (qualified to vote as aforesaid), of such meeting, to be called as aforesaid, who shall give such notification by reading said notice in his or her hearing, or in case of his or her absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his or her abode at least 20 days prior to the time of such meeting; but the proceedings of any meeting held pursuant to sections 1 and 2 of this title, shall not be held illegal for want of a due notice to all the persons qualified to vote thereat; unless it shall appear that the omission to give such notice was wilful and fraudulent.

In other districts

Legality of proceedings

¹§3 The reasonable expense of such notices, and of their publication and service, shall be chargeable upon the district, in case a union free school is established by the meeting so convened, to be levied and collected by the trustees, as in case of taxes now levied for school purposes; but in the event that such union free school shall not be established, then the said expense shall be chargeable upon the inhabitants signing the request jointly and severally, to be sued for, if necessary, in any court having jurisdiction of the same.

Expense of notices and publication

²§4 Whenever 15 persons, entitled as aforesaid, from each of two or more adjoining districts, shall unite in a request for a meeting of the inhabitants of such districts, to determine whether such districts shall be consolidated by the establishment of a union free school therefor and therein, it shall be the duty of the trustees of such districts, or a majority of them, to give like public notice of such meeting, at some convenient place within such districts and as central as may be, within the time, and to be published and served in the manner set forth in the first and second sections of this title, in each of such districts. The reasonable expenses of preparing, publishing and serving such notices shall be chargeable upon the union free school district, and be collected by tax, if a union

Meeting of two or more districts

Notice thereof

Expenses

¹As amended by section 10, chapter 264, laws of 1896.

²As amended by section 11, chapter 264, laws of 1896.

TITLE 8

Superintendent may order meeting

Proceedings of meetings to form union free school district

Election of trustees

Terms of trustees

Board of education

free school shall be established pursuant to such request, but otherwise the signers of the request shall be jointly and severally liable for such expense. The Superintendent of Public Instruction may order such meeting under the conditions and in the manner prescribed in the first section of this title.

§5 Any such meeting held pursuant to the foregoing provisions shall be organized by the election of a chairman and secretary, and may be adjourned from time to time, by a majority vote, provided that such adjournment shall not be for a longer period than 10 days; and whenever at any such meeting duly called and held under the provisions of sections 1 and 2 of this title at least 15 qualified voters of the district shall be present, or at such meeting duly called and held under the provisions of section 4 of this title, at least 15 qualified voters of each of the two or more adjoining districts joining in the request, shall be present, such meeting may, by the affirmative vote of a majority present and voting, adopt a resolution to establish a union free school in said district, or to consolidate the two or more adjoining districts by establishing a union free school in said districts pursuant to the notice of said meeting. If said meeting shall determine to establish a union free school in said district or districts as aforesaid, it shall be lawful for such meeting thereafter to proceed to the election by ballot, of not less than three nor more than nine trustees, who shall, by the order of such meeting, be divided into three several classes, the first to hold until one, the second until two, and the third until three years from the first Tuesday of August next following, except as in the next section provided. Thereafter there shall be elected in all union free school districts whose limits do not correspond with those of an incorporated village or city, at the annual meeting of said districts, trustees of said districts, to supply the places of those whose term of office, by the classification aforesaid, are about to expire. The trustees, so as aforesaid elected, shall enter at once upon their offices, and the office of any existing trustee or trustees in such district or districts, before the establishment of a union free school therein, shall cease, except for the purposes stated in section 12 of title 6 of this act. Neither a school commissioner nor a supervisor is eligible to be a member of any board of education, and the acceptance of either of said offices by a member of said board vacates his office as such member. The said trustees and their successors in office shall constitute the board of education of and for the union free school district for which they are elected, and the designation

¹As amended by section 12, chapter 264, laws of 1896.

of such district as union free school district number of the town of shall be made by the school commissioner having jurisdiction of the district; and the said board shall have the name and style of the board of education of (adding the designation aforesaid); copies of said request, notice of meeting, order of the Superintendent directing some inhabitant to call said meeting, if any, and minutes of said meeting or meetings duly certified by the chairman and secretary thereof, shall be by them, or either of them, transmitted and deposited, one to and with the town clerk, one to and with the school commissioner in whose jurisdiction said districts are located, and one to and with the Superintendent of Public Instruction; but when at any such meeting, the question as to the establishment of a union free school shall not be decided in the affirmative, as aforesaid, then all further proceedings at such meeting, except a motion to reconsider or adjourn, shall be dispensed with, and no such meeting shall be again called within one year thereafter. And when any such meeting shall have established a union free school in said district or districts, such union free school district shall not be dissolved within the period of one year from the first Tuesday of August next after such meeting.

Designation
of district

Proceedings,
how certified
and deposited

Effect of
negative action

Dissolution
of district,
restricted

§6 Whenever said board of education shall be constituted for any district or districts whose limits correspond with those of any incorporated village or city, the trustees so elected shall, by the order of such meeting, be divided into three several classes: The first class to serve until one; the second, until two; and the third, until three years after the day of the next charter election in such village or city, and their regular term of service shall be computed from the several days of such charter elections. And thereafter, there shall be annually elected in such village and cities, at the charter elections, by separate ballot, to be endorsed "school trustee," in the same manner as the charter officers thereof, trustees of the said union free schools, to supply the places of those whose terms by the classification aforesaid are about to expire.

Trustees of
districts same
as city or
village, terms
of

Annual
election

1 The number of members of the board of education of a union free school district whose limits correspond with an incorporated village or city, may be increased to not more than nine or decreased to not less than three in the following manner: The board of education of such union free school district, shall, upon the application of at least 15 resident taxpayers of such district, submit to a special meeting, held at least 30 days prior to the annual charter election, in such village or city a proposition for the increase

Number of
members may
be increased
or decreased

¹Amended by chapter 489, laws of 1903.

TITLE 8

or decrease of the number of members of the board of education to a number specified in the proposition. Such special meeting shall be called and held in the manner prescribed by this act. If such proposition is adopted and it is determined thereby to increase the number of members of the board of education of such district, there shall be elected at the next ensuing annual village or city election, a sufficient number of members of the board of education so that the total number of members of the board will be the number specified in such proposition. Such additional members shall be elected for such terms so that as nearly as possible the terms of one third of the members of such board will expire annually. Successors to such additional members shall be elected in like manner. If such proposition is adopted and it is determined thereby to decrease the number of the board of education in such district, no members of the board of education of such district shall thereafter be elected until by expiration of term the number of members of the board of education will be less than the number specified in such proposition; and thereafter the number of members of the board of education of such district shall be the number specified in such proposition. Not more than one proposition under this section shall be submitted in any calendar year.

Board, a corporation

President

Clerk of board and district, appointment of, etc.

Treasurer and collector

§7 The said boards of education are hereby severally created bodies corporate, and each shall, at its first meeting, and at each annual meeting thereafter, elect one of their members president. In every union free school district other than those whose limits correspond with those of an incorporate city or village the board of education shall have power to appoint one of their number, or a qualified voter in said district, and a person other than a trustee, or a teacher employed in said district, as clerk of the board of education of such district. Such clerk shall also act as clerk of said district, and shall perform all the clerical and other duties pertaining to his office, and for his services he shall be entitled to receive such compensation as shall be fixed at an annual meeting of the qualified voters of such district. In case no provision is made at an annual meeting of the inhabitants for the compensation of a clerk, then and in that case the board of education shall have power to fix the same. Said board of education shall also have power to appoint one of the taxable inhabitants of their district treasurer, and fix his compensation, and another collector of the moneys to be raised within the same for school purposes,

¹As amended by section 1, chapter 466, laws of 1897.

who shall severally hold such appointments during the pleasure of the board. Such treasurer and collector shall each, and within 10 days after notice in writing of his appointment, duly served upon him, and before entering upon the duties of his office, execute and deliver to the said board of education a bond, with such sufficient penalties and sureties as the board may require, conditioned for the faithful discharge of the duties of his office, and in case such bond shall not be given within the time specified, such office shall thereby become vacant, and said board shall thereupon, by appointment, supply such vacancy. And said board of education shall also have power to supply, by appointment, any vacancy in the office of such clerk, occasioned by death, resignation, removal from the district or otherwise.

Bonds of
treasurers
and collectors

Vacancies

ARTICLE 2

Of the qualifications of voters in union free school districts, and of meetings of such voters and their powers

§8 Every person of full age, residing in any union free school district, and who has resided therein for a period of 30 days next preceding any annual or special meeting held therein, and a citizen of the United States, who owns, or hires, or is in the possession under a contract of purchase, of real property in such school district liable to taxation for school purposes; and every such resident of such district who is a citizen of the United States of 21 years of age, and is the parent of a child or children of school age, some one or more of whom shall have attended the district school in said district for a period of at least eight weeks within one year preceding such school meeting; and every such person not being the parent, who shall have permanently residing with him or her a child or children of school age, some one or more of whom shall have attended the district school in said district for a period of at least eight weeks within one year preceding such school meeting; and every such resident and citizen as aforesaid, who owns any personal property assessed on the last preceding assessment roll of the town, exceeding \$50 in value exclusive of such as is exempt from execution, and no other, shall be entitled to vote at any school meeting held in said district, under and pursuant to the provisions of this title. No person shall be deemed to be ineligible to vote at any such school district meeting by reason of sex, who has one or more of the qualifications required by this section. No person shall be eligible to hold any school district office in any union free school district unless he or she is a qualified voter in

Qualifications
of voters

Eligibility
to office

¹As amended by section 14, chapter 264, laws of 1896.

TITLE 8

such district, and is able to read and write. Not more than one member of a family shall be a member of the same board of education in any school district.

Levy of tax
for school
purposes by
village and city
authorities

§9 The corporate authorities of any incorporated village or city, in which any such union free school shall be established, shall have power, and it shall be their duty, to raise, from time to time, by tax, to be levied upon all the real and personal property in said city or village, as by law provided for the defraying of the expenses of its municipal government, such sum or sums as the board of education established therein shall declare necessary for teachers wages and the ordinary contingent expenses of supporting the schools of said district. The sums so declared necessary shall be

Statements
of anticipated
expenditures

set forth in a detailed statement in writing, addressed to the corporate authorities by the board of education, giving the various purposes of anticipated expenditure, and the amount necessary for each; and the said corporate authorities shall have no power

Sums not to be
withheld

to withhold the sums so declared to be necessary; and such corporate authorities as aforesaid shall have power, and it shall be

Raising of
additional
moneys

their duty to raise, from time to time, by tax as aforesaid, any such further sum or sums to be set forth in a detailed statement in writing, addressed to the corporate authorities by the board of education, giving the various purposes of the proposed expenditure, and the amount necessary for each which may have been or which may hereafter be authorized by a majority of the voters of such union free school district present and voting at any special district meeting duly convened, for making additions, alterations, or improvements to or on the sites or structures belonging to the district, or for the purchase of other sites or structures, or for a change of sites, or for the erection of new buildings, or for buying apparatus or fixtures, or for such other purpose relating to the support and welfare of the school as they may, by resolution, approve; and they may direct the moneys so voted to be levied in one sum, or by instalments, but no addition to or change of site or purchase of a new site or tax for the purchase of any new site or structure, or for the purchase of an addition to the site of any schoolhouse, or for building any new schoolhouse, or for the erection of an addition to any schoolhouse already built, shall be voted at any such meeting unless a notice by the board of education stating that such tax will be proposed, and specifying the amount and object thereof shall have been published once in each week for the four weeks next preceding such district meeting, in two newspapers, if there shall be two, or in one newspaper if there

Tax for
moneys voted

Notice of
required tax
for school
buildings,
sites etc.

shall be but one, published in such district. But if no newspaper shall then be published therein, the said notice shall be posted up in at least 20 of the most public places in said district 20 days before the time of such meeting. No vote to raise money shall be rescinded,^{Rescinding vote or reduction of amount} nor the amount thereof be reduced at any subsequent meeting, unless the same be done within 10 days after the same shall have been first voted. For the purpose of giving effect^{Power to borrow money} to these provisions, the corporate authorities are hereby authorized, whenever a tax shall have been voted to be collected in instalments for the purpose of building a new schoolhouse, or building an addition to a schoolhouse, or making additions, alterations or improvements to buildings or structures belonging to the district, or for the purchase of a new site, or for an addition to a site, to borrow so much of the sum voted as may be necessary, at a rate of interest not exceeding 6 per cent, and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon^{Issue of bonds or certificates} the district, and be paid at maturity, and which shall not be sold below par. Said bonds or other evidences of indebtedness shall be prepared by the board of education, signed by the president and secretary thereof, and delivered to the treasurer of the incorporated village or city, who shall countersign the same, and give due notice of the time and place of the sale of such bonds, at least^{Notice of sale} 10 days prior thereto, by publication twice in two newspapers, if there shall be two, or in one newspaper, if there shall be but one, published in such district. But if no newspaper shall then be published therein, the said notice shall be posted up in at least 10 of the most public places in said district 10 days before the day of sale. The proceeds of the sale of said bonds shall be paid into the^{Proceeds of sale} treasury of said incorporated village or city, to the credit of the board of education of such district.

¹§10 A majority of the voters of any union free school district other than those whose limits correspond with an incorporated city or village, present at any annual or special district meeting,^{Powers of annual and special meetings to vote taxes} duly convened, may authorize such acts and vote such taxes as they shall deem expedient for making additions, alterations or improvements to or in the sites or structures belonging to the district, or for the purchase of other sites or structures, or for a change of sites, or for the erection of new buildings, or for buying apparatus, or fixtures, or for paying the wages of teachers and the necessary expenses of the school, or for such other purpose relating to the support and welfare of the school as they may, by resolution,

¹As amended by section 15, chapter 264, laws of 1896.

TITLE 8

Designation
of sitesVote on ex-
penditure of
money or taxTax for
sums votedNotice of
proposed tax
for school
buildings,
sites etc.Collection of
taxRescinding
vote, or
reduction of
amount votedPower to
borrow money

approve; the designation of a site or sites by the district meeting shall be by written resolution containing a description thereof by metes and bounds, and such resolution must receive the assent of a majority of the qualified voters present and voting at said meeting, to be ascertained by taking and recording the ayes and noes. On all propositions arising at said meetings involving the expenditure of money, or authorizing the levy of a tax or taxes in one sum or by instalments, the vote thereon shall be by ballot, or ascertained by taking and recording the ayes and noes of such qualified voters attending and voting at such meetings; and they may direct the moneys so voted to be levied in one sum, or by instalments, but no addition to or change of site or purchase of a new site or tax for the purchase of any new site or structure, or for the purchase of an addition to the site of any schoolhouse, or for building any new schoolhouse, or for the erection of an addition to any schoolhouse already built, shall be voted at any such meeting unless a notice by the board of education stating that such tax will be proposed, and specifying the amount and object thereof, shall have been published once in each week for the four weeks next preceding such district meeting, in two newspapers if there shall be two, or in one newspaper if there shall be but one, published in such district. But if no newspaper shall then be published therein, the said notice shall be posted in at least 20 of the most public places in said district 20 days before the time of such meeting. And whenever a tax for any of the objects hereinbefore specified shall be legally voted the boards of education shall make out their tax list, and attach their warrant thereto, in the manner provided in article 7 of title 7 of this act, for the collection of school district taxes, and shall cause such taxes or such instalments to be collected at such times as they shall become due. No vote to raise money shall be rescinded, nor the amount thereof be reduced at any subsequent meeting, unless it be an adjourned meeting or a meeting called by regular and legal notice, which shall specify the proposed action, and at which the vote upon said proposed reduction or rescinding shall be taken by ballot or by taking and recording the ayes and noes of the qualified voters attending and voting thereat. For the purpose of giving effect to these provisions, trustees or boards of education are hereby authorized, whenever a tax shall have been voted to be collected in instalments for the purpose of building a new schoolhouse or building an addition to a schoolhouse, or making additions, alterations or improvements to buildings or structures belonging to the district, or for the purchase of a new site or for

an addition to a site, to borrow so much of the sum voted as may be necessary at a rate of interest not exceeding 6 per centum, and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district, and be paid at maturity, and which shall not be sold below par; due notice of the time and place of the sale of such bonds shall be given by the board of education at least 10 days prior thereto by publication twice in two newspapers, if there be two, or in one newspaper if there be but one published in such district. But if no newspaper shall then be published therein, the said notice shall be posted in at least 10 of the most public places in said district 10 days before the sale. It shall be the duty of the trustees or the persons having charge of the issue or payment of such indebtedness, to transmit a statement thereof to the clerk of the board of supervisors of the county in which such indebtedness is created, annually, on or before the first day of November.

Issue and sale
of bonds

§11 All moneys required to pay teachers wages in a union free school or in the academical department thereof, after the due application of the school moneys thereto, shall be raised by tax.

Tax for
teachers
wages

§12 Every union free school district shall, for all the purposes of the apportionment and distribution of school moneys, be regarded and recognized as a school district.

ARTICLE 3

Of annual and special meetings, and of election of members of boards of education and clerks in districts where the number of children exceeds 300.

§13 1 In union free school districts other than those whose limits correspond with those of any incorporated village or city, the annual school meeting shall be held on the first Tuesday of August. The boards of education shall have power to call special meeting of the inhabitants of their respective districts whenever they shall deem it necessary and proper, in the manner prescribed in section 10 of this title, and shall in like manner give notice of the time and place of holding the annual school district meeting. The proceedings of any special meeting shall not be held to be illegal for want of a due notice to all persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent. The annual meeting of the board of education of every such union free school district shall be held on the Tuesday next after the annual school district meeting therein.

Annual and
special meet-
ings in union
free school
districts

Annual
meeting of
board of
education
therein

TITLE 8

Annual and special meetings in districts same as city or village

2 In union free school districts whose limits correspond with those of any incorporated village or city, the boards of education shall have power to call special meetings of the inhabitants of their respective districts for the purposes mentioned in section 9 of this title, in the manner prescribed in said section 9. The proceedings of any special meeting shall not be held to be illegal for want of due notice to all persons qualified to vote thereat unless it shall appear that the omission to give such notice was wilful and fraudulent. The annual meeting of the board of education of every such union free school district shall be held on the Tuesday next after the canvass and declaration of the election of the members of said board at the annual charter election of the village or city.

Annual meeting of board of education therein

¹3 The qualified voters of any union free school district present at any annual school meeting therein, for which a notice has been duly given that the vote hereinafter mentioned will be taken, or at any special school meeting therein, duly and legally called for that purpose, shall have power, by a majority vote, to be ascertained by taking and recording the ayes and noes, to vote a tax for the purchase of all textbooks used, or to be used, in the schools of the district. If such tax shall be voted it shall be the duty of the board of education of such district, within 90 days thereafter, to purchase and furnish free textbooks to all the pupils attending the schools in such district. Such board of education shall have power to establish such rules and regulations concerning the use by the pupils of such textbooks, and the care, preservation and custody thereof as it shall deem necessary.

Tax may be voted for free textbooks

²§14 In union free schools districts other than those whose limits correspond with those of an incorporated village or city, in which the number of children of school age exceeds 300, as shown by the last annual report of the board of education to the school commissioner, the qualified voters of any such district may by a vote of a majority of those present and voting, at any annual meeting, or at any duly called special meeting, to be ascertained by taking and recording the ayes and noes, determine that the election of the members of the board of education shall be held on the Wednesday next following the day designated by law for holding the annual meeting of said district. Until such determination shall be changed, such election shall be held on the Wednesday next following the day on which such annual meeting of such district shall be held,

Election of board and clerk in districts over 300

Time of holding election

¹Added by section 1, chapter 195, laws of 1897.

²As amended by section 2, chapter 466, laws of 1897.

in each year, between the hours of 12 o'clock noon, and 4 o'clock in the afternoon at the principal schoolhouse in the district, or at such other suitable place as the trustees may designate. When the place of holding such election is other than at the principal schoolhouse, the trustees shall give notice thereof by the publication of such notice, at least one week before the time of holding such election, in some newspaper published in the district, or by posting the same in three conspicuous places in the district. The trustees may, by resolution, extend the time of holding the election from 4 o'clock until sunset. The board of education, or such of them as may be present, shall act as inspectors of election. If a majority of such board shall not be present at the time of opening the polls, those members of the board in attendance may appoint any of the legal voters of the district present, to act as inspectors in place of the absent trustees; and if none of the board of education shall be present at the time of opening the polls, the legal voters present may choose three of their number to act as inspectors. The district clerk, or the clerk of the board of education, as the case may be, shall attend at the election and record in a book to be provided for that purpose, the name of each elector as he or she deposits his or her ballot. If such district clerk, or clerk of the board of education shall be absent, or shall be unable or refuse to act, the board of education or inspectors of election shall appoint some person who is a legal voter in the district to act in his place. Any clerk or acting clerk who shall neglect or refuse to record the name of a person whose ballot is received by the inspectors, shall be liable to a fine of \$25, to be sued for by the supervisor of the town. If any person offering to vote at any such election shall be challenged as unqualified by any legal voter, the chairman of the inspectors shall require the person so offering to vote to make the following declaration: "I do declare and affirm that I am and have been for the 30 days last past an actual resident of this school district, and that I am legally qualified to vote at this election." And every person making such declaration shall be permitted to vote; but if any person shall refuse to make such declaration his or her ballot shall not be received by the inspectors. Any person who upon being so challenged shall wilfully make a false declaration of his or her right to vote at such election, is guilty of a misdemeanor. Any person who shall vote at such election, not being duly qualified, shall, though not challenged, forfeit the sum of \$10, to be sued for by the supervisor of the town for the benefit of the school or schools of the district. The board of education shall, at the ex-

Notice of election

Extension of time

Inspectors of election

Record of votes

Penalty for refusal to receive names

Challenges

Declarations thereupon

Penalty for illegal voting, etc.

Ballot box

TITLE 8

Ballots

Canvass of
votes and
declaration
of resultsSpecial
electionTerms of offi-
cers elected
thereatElection dis-
putes, how
settledLimitation of
foregoing
provisions

pense of the district, provide a suitable box in which the ballots shall be deposited as they are received. Such ballots shall contain the names of the persons voted for, and shall designate the office for which each one is voted. The ballots may be either written or printed, or partly written and partly printed. The inspectors immediately after the close of the polls shall proceed to canvass the votes. They shall first count the ballots to determine if they tally with the number of names recorded by the clerk, and if they exceed that number, enough ballots shall be withdrawn to make them correspond. Such inspectors shall count the votes and announce the result. The person or persons having a majority of the votes respectively for the several offices shall be elected, and the clerk shall record the result of such ballot and election as announced by the inspectors. Whenever the time for holding such election as aforesaid shall pass without such election being held in any such district, a special election shall be called by the board of education, but if no such election be called by said board within 20 days after such time shall have passed, the school commissioner or the State Superintendent of Public Instruction may order any inhabitant of said district to give notice of such election in the manner prescribed by section 10 of this title; and the officers elected at such special election shall hold their respective offices only until the next annual election, and until their successors are elected and shall have qualified as in this act provided. All disputes concerning the validity of any such election, or of any votes cast thereat, or of any of the acts of the inspectors or clerks, shall be referred to the Superintendent of Public Instruction, whose decision in the matter shall be final. Such Superintendent may, in his discretion, order a new election in any district. The foregoing provisions shall not apply to union free school districts in cities, nor to union free school districts whose boundaries correspond with those of an incorporated village, nor to any school district organized under a special act of the Legislature, in which the time, manner and form of the election of district officers shall be different from that prescribed for the election of officers in union free school districts, organized under the general law, nor to any of the union free school districts in the counties of Richmond, Suffolk, Chenango, Warren, Erie and St Lawrence. In Richmond county, whenever any district shall have determined to hold its annual election on Wednesday following the date of its annual school meeting, the same shall be held between the hours of 4 o'clock and 9 o'clock in the evening.

ARTICLE 4

Of the powers and duties of boards of education

§15 The said board of education of every union free school district shall severally have power, and it shall be their duty:

1 To adopt such bylaws and rules for its government as shall seem proper in the discharge of the duties required under the provisions of this act. Powers of board
Bylaws and rules

2 To establish such rules and regulations concerning the order and discipline of the school or schools, in the several departments thereof, as they may deem necessary to secure the best educational results. Rules etc.
for schools

3 To prescribe the course of study by which the pupils of the school or schools shall be graded and classified, and to regulate the admission of pupils and their transfer from one class or department to another, as their scholarship shall warrant. Course of study
Admission of pupils

4 To prescribe the textbooks to be used in the schools, and to compel a uniformity in the use of the same, pursuant to the provisions of this act, and to furnish the same to pupils out of any moneys provided for that purpose. Textbooks

5 To make provision for the instruction of pupils in physiology and hygiene with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system. Instruction in physiology
etc.

6 To purchase a site or sites, or an addition to a site or sites, for a schoolhouse or schoolhouses for the district, as designated by a meeting of the district; and to construct such schoolhouse or houses, and additions thereto as may be so designated; to purchase furniture and apparatus for such schoolhouse or houses; to keep such schoolhouse or houses and the furniture and apparatus therein in repair; to hire any room or rooms in which to maintain and conduct schools when the rooms in the schoolhouse or houses are overcrowded, or when such schoolhouse or houses are destroyed, injured or damaged by the elements, and to fit up and furnish such room or rooms in a suitable manner for conducting a school or schools therein; to insure the schoolhouse or houses and their furniture, apparatus and appendages; and the school library, in some company or companies created by or under the laws of this state, and to comply with the conditions of the policy, and raise the sums paid for premiums by district tax. No schoolhouse shall be built in any union free school district until the plan for the ventilation and heating and lighting of such schoolhouse shall be approved in writing by the school commissioner of the commissioner district in which such schoolhouse is to be built. School sites,
schoolhouses
and apparatus
Repairs
Hiring school
rooms
Insurance
Approval of
plans for ven-
tilation etc.

TITLE 8

Custody of property

Title vested in board

Sale of property

Application of proceeds

Exchange of real estate

May take and hold real estate etc.

Control of schools

Establishment of academical department

Nonresident pupils

Fuel, apparatus etc.

Librarian

Employment of teachers

7 To take charge and possession of the schoolhouses, sites, lots, furniture, books, apparatus, and all school property within their respective districts; and the title of the same shall be vested respectively in said board of education, and the same shall not be subject to taxation for any purpose.

8 To sell, when thereto authorized by a vote of the qualified voters of the school district, any former school site or lot, or any real estate the title to which is vested in the board, and the buildings thereon, and appurtenances or any part thereof, at such price and upon such terms as said voters shall prescribe, and to convey the same by deed to be executed by the board or a majority of the members thereof. All moneys arising from any such sale shall be used and applied for the benefit of the school district, as the voters thereof shall by resolution direct. Also to exchange real estate belonging to the district for the purpose of improving or changing schoolhouse sites.

9 To take and hold for the use of the said schools or of any department of the same, any real estate transferred to it by gift, grant, bequest or devise, or any gift, legacy, or annuity, of whatever kind, given or bequeathed to the said board and apply the same, or the interest or proceeds thereof, according to the instructions of the donor or testator.

10 To have, in all respects, the superintendence, management and control of said union free schools, and to establish in the same an academical department, whenever in their judgment the same is warranted by the demand for such instruction; to receive into said union free schools any pupils residing out of said district, and to regulate and establish the tuition fees of such nonresident pupils in the several departments of said schools; provided, that if such nonresident pupils, their parents or guardians shall be liable to be taxed for the support of said schools in the districts, or either of them, on account of owning property therein, the amount of any such tax paid by a nonresident pupil, his parent or guardian, shall be deducted from the charge of tuition; to provide fuel, furniture, apparatus and other necessities for the use of said schools, and to appoint such librarians as they may from time to time deem necessary.

11 To contract with and employ such persons as by the provisions of this act are qualified teachers in the several departments of instruction in said school, and at the time of such employment shall make and deliver to each teacher, or cause to be made

¹As amended by section 16, chapter 264, laws of 1896.

and delivered, a contract in writing, signed by the members of said board, or by some person duly authorized by said board to represent them in the premises, in which the details of the agreement between the parties, and particularly the length of the term of employment, the amount of compensation and the time or times when such compensation shall be due and payable shall be clearly and definitely set forth. The pay of any teacher employed in the public schools of this state shall be due and payable at least as often as at the end of each calendar month of the term of employment. No person who is related by blood or marriage to any member of a board of education shall be employed as a teacher by such board, except upon the consent in writing of two thirds of the members thereof, to be entered upon the proceedings of the board. No teacher shall be removed during a term of employment unless for neglect of duty, incapacity to teach, immoral conduct, or other sufficient cause. Also to pay the wages of such teacher out of the moneys appropriated for that purpose.

Contract of employment

Teachers wages, when due

Employment of relatives of board

Removal of teachers

12 To fill any vacancy which may occur in said board by reason of the death, resignation, removal from office or from the school district, or refusal to serve, of any member or officer of said board; and the person so appointed in the place of any such member of the board shall hold his office until the next election of trustees, as by this act provided. In case of the failure of such board to fill such vacancy, and in case no special election is ordered for filling the same for a period of 30 days, the same may be filled by the school commissioner having jurisdiction. The Superintendent of Public Instruction may order a special election to be held in any district for the purpose of filling such vacancy, and when such special election is ordered the vacancy shall not be filled otherwise.

Filling vacancies

Superintendent may order special election

13 To remove any member of their board for official misconduct. But a written copy of all charges made of such misconduct shall be served upon him at least 10 days before the time appointed for a hearing of the same; and he shall be allowed a full and fair opportunity to refute such charges before removal.

Removal of member for cause

14 To provide suitable and convenient water-closets or privies for each of the schools under their charge, at least two in number, which shall be entirely separated each from the other and having separate means of access, and the approaches thereto shall be separated by a substantial close fence not less than 7 feet in high; to keep the same in a clean and wholesome condition, and a failure to comply with the foregoing provisions on the part of said board shall be sufficient grounds for removal from office, and for withholding from

Water-closets or privies

TITLE 8

Expense thereof

the district any share of the public moneys of the state. Any expense incurred by said board in carrying out the foregoing provisions shall be a charge upon the district; and a tax may be levied therefor without a vote of the district.

Stairways on outside of buildings

15 To cause proper stairways to be constructed and maintained on all school buildings under their charge which are more than two stories high, on the outside thereof, with suitable doorways leading thereto from each story above the first, for use in case of fire. The reasonable and proper cost thereof shall, in each case, be a legal charge upon the city, village or district, and shall be raised by tax as other moneys are raised for school purposes.

Tax for cost thereof

16 To designate a site or sites, or an addition to a site or sites, for a schoolhouse or schoolhouses, in a district containing a population of 5000 or more, without a vote of the qualified voters of said district as required in section 10 of this title.

May borrow money in anticipation of taxes uncollected

16 To borrow money in anticipation of taxes remaining uncollected which have been levied by such district for the current fiscal year, and not in excess thereof, whenever in the discretion of the board of education it shall be necessary to do so for the purpose of paying the current expenses of the district for such current fiscal year, by issuing a certificate or certificates of indebtedness, in the name of the board of education, signed by the president and clerk thereof, which certificates must be payable within such current fiscal year or within nine months thereafter, and shall bear interest at a rate not exceeding 6 per centum per annum.

General powers and duties

§16 The board of education shall possess all the powers and privileges, and be subject to all the duties in respect to the common schools, or the common school departments in any union free school in said districts, which the trustees of common schools possess or are subject to under this act, not specially provided for in this title, and not inconsistent with the provisions of this title; and to enjoy, whenever an academic department shall be by them established, all the immunities and privileges now enjoyed by the trustees of academies in this state.

Superintendent of schools in certain districts

§17 In any incorporated village having a population of 5000 and upwards, or in any union free school district having a like population, which fact shall in either case be determined by the State Superintendent of Public Instruction, as provided in section 5 of title 2 of this act, the board of education in any such village or union free school district may appoint a superintendent of schools. Such superintendent shall be under the direction of the

Census

¹Added by chapter 112, laws of 1903.

²Added by chapter 233, laws of 1903.

board of education, which shall prescribe his powers and duties. He shall be paid a salary from the teachers fund, to be fixed by the board of education, and he may be removed from office by a vote of the majority of all the members of such board. Whenever such superintendent shall be appointed, the said union free school district shall be entitled to the benefits of the provisions of section 5 of title 2 of this act.

§18 It shall be the duty of said board to keep an accurate record of all its proceedings in books provided for that purpose, which books shall be open for public inspection at all reasonable hours. It shall be the duty of said board to cause to be published once in each year, and 20 days next before the annual meeting of the district, in at least one public newspaper, printed in such district, a full and detailed account of all moneys received by the board or the treasurer of said district, for its account and use, and of all the money expended therefore, giving the items of expenditure in full; should there be no paper published in said district said board shall publish such account by notice to the taxpayers, by posting copies thereof in five public places in said district. No member of said board shall be personally interested in any contract made by said board. It shall be the duty of the board, at the annual meeting of the district, besides any other report or statement required by law, to present a detailed statement in writing of the amount of money which will be required for the ensuing year for school purposes, exclusive of the public moneys, specifying the several purposes for which it will be required, and the amount for each, but nothing in this section contained shall be construed to prevent the board from presenting such statement at any special meeting called for the purpose, nor from presenting a supplementary and amended statement or estimate at any time.

§19 After the presentation of such statement, the question shall be taken upon voting the necessary taxes to meet the estimated expenditures, and when demanded by any voter present, the question shall be taken upon each item separately, and the inhabitants may increase the amount of any estimated expenditures or reduce the same, except for teachers wages, and the ordinary contingent expenses of the school or schools.

§20 If the inhabitants shall neglect or refuse to vote the sum or sums estimated necessary for teachers wages, after applying thereto the public school moneys, and other moneys received or to be received for that purpose, or if they shall neglect or refuse to vote the sum or sums estimated necessary for ordinary contingent expenses, the board of education may levy a tax for the

Record of proceedings

Publication of accounts of receipts and expenditures

Interest in contracts prohibited

Report of estimates of expenses to annual meeting

Voting thereon by inhabitants

Board may levy tax without vote

TITLE 8

same, in like manner as if the same had been voted by the inhabitants.

Ordinary contingent expenses, settlement of disputes as to

§21 If any question shall arise as to what are ordinary contingent expenses the same may be referred to the Superintendent of Public Instruction, by a statement in writing, signed by one or more of each of the opposing parties upon the question, and the decision of the Superintendent shall be conclusive.

Regular meetings of board

§22 It shall be the duty of each of the said boards of education, elected pursuant to the provisions of this title, to have a regular meeting at least once in each quarter, and at such meetings to appoint one or more committees, to visit every school or department under the supervision of said board, and such committees shall visit all said schools at least twice in each quarter, and report at the next regular meeting of the board on the condition thereof. The meetings of all such boards shall be open to the public, but said boards may hold executive sessions, at which sessions only the members of such boards or the persons invited, shall be present.

Visitation of schools

Reports

Executive sessions

Expenditures and contracts

§23 It shall also be the duty of said boards, respectively, to have reference in all their expenditures and contracts to the amount of moneys which shall be appropriated, or subject to their order or drafts, during the current year, and not to exceed that amount. And said board shall severally apply all the moneys apportioned to the common school districts under their charge, to the departments below the academical; and all moneys from the literature fund or otherwise, appropriated for the support of the academical department, to the latter departments.

Application of moneys

Money to be paid into city or village treasury

§24 All moneys raised for the use of the union free schools in any city or incorporated village, or apportioned to the same from the income of the literature, common school or United States deposit funds, or otherwise, shall be paid into the treasury of such city or village to the credit of the board of education therein; and the funds so received into such treasury shall be kept separate and distinct from any other funds received into the said treasury. And the officer having the charge thereof shall give such additional security for the safe custody thereof as the corporate authorities of such city or village shall require. No money shall be drawn from such funds, credited to the several boards of education, unless in pursuance of a resolution or resolutions of said board, and on drafts drawn by the president and countersigned by the secretary or clerk, payable to the order of the person or persons entitled to receive such moneys, and stating on their face the purpose or service for which such moneys have been authorized to be paid by the said board of education.

Security for custody thereof

Payments, how made

§25 All moneys raised for the use of said union free schools, other than those whose limits correspond with those of any cities and incorporated villages, or apportioned from the income of the literature or common school or United States deposit funds, or otherwise shall be paid to the respective treasurers of the said several boards of education entitled to receive the same, and be by them applied to the uses of said several boards, who shall annually render their accounts of all moneys received and expended by them for the use of said schools, with every voucher for the same, and certified copies of all orders of the said boards touching the same, to the school commissioner of the district in which the principal schoolhouse of the district is located. No money shall be drawn from such funds in possession of such treasurer, unless in pursuance of a resolution or resolutions of said board, and on drafts drawn by the president and countersigned by the clerk, or secretary, payable to the order of the person or persons entitled to receive such money, and stating on their face the purpose or service for which said moneys have been authorized to be paid by the said board of education.

Payments of moneys to treasurers of boards

Annual accounting of treasurers

Moneys, how drawn out

§26 Every academic department, established as aforesaid, shall be under the visitation of the Regents of the University, and shall be subject, in its course of education and matters pertaining thereto (but not in reference to the buildings in which the same is conducted), to all the regulations made in regard to academies by the said Regents. In such departments the qualifications for the entrance of any pupil shall be as high as those established by the said Regents for participation in the literature fund of any academy of the state under their supervision.

Academic department subject to Regents

Qualifications for entrance of pupils

§27 Whenever a union free school shall be established under the provisions of this title, and there shall exist within its district an academy, the board of education, if thereto authorized by a vote of the voters of the district, may adopt such academy as the academic department of the district, with the consent of the trustees of the academy, and thereupon the trustees, by a resolution to be attested by the signatures of the officers of the board and filed in the office of the clerk of the county, shall declare their offices vacant, and thereafter the said academy shall be the academic department of such union free school. The board of education when thereto authorized by a vote of the qualified voters of the district may lease said academy and site, and maintain the academic department of such union free school therein and thereon,

Adoption of existing academies

Lease of academies by board

TITLE 8

¹§27a The board of education of a union free school district, with the approval of the Superintendent of Public Instruction, and Regents of the University, may adopt an academy as the academic department thereof, and contract for the instruction therein of pupils of academic grade, residing in the district. The academy thereupon becomes the academic department of such union free school, and the district is entitled to the same rights and privileges, is subject to the same duties, and the apportionment and distribution of state school money shall be made to it, as if an academic department had been established in such school.

§28 Every union free school district, in all its departments, shall be subject to the visitation of the Superintendent of Public Instruction. He is charged with the general supervision of its board of education and their management and conduct of all its departments of instruction. And every board of education shall annually, on the first day of August, in each year, make to the commissioner having jurisdiction, and deposit in the town clerk's office, a report for the school year ending July 31st preceding, of all matters concerning which trustees of a school district are required to report, under this act, and concerning all such other matters as the Superintendent shall, from time to time, require; and shall also whenever thereto required by the Superintendent of Public Instruction, report fully to him upon any particular matter; and such report shall be in such form, and so authenticated, as the Superintendent shall, from time to time, require.

§29 For cause shown, and after giving notice of the charge and opportunity of defense, the Superintendent of Public Instruction may remove any member of a board of education. Wilful disobedience of any lawful requirement of the Superintendent, or a want of due diligence in obeying such requirement or wilful violation or neglect of duty is cause for removal.

ARTICLE 5

Of the alteration of union free school districts, the increase or diminution of number of members of boards of education, and of dissolution of union free school districts

²§30 Whenever one or more common school districts shall adjoin any union free school district whose limits do not correspond with those of an incorporated village or city, upon the written consent of the trustees of all the districts to be affected, the school

¹Added by chapter 325, laws of 1902.

²As amended by section 1, chapter 540, laws of 1899, and by section 1 of chapter 258 of the laws of 1905.

Visitation
and super-
vision of union
schools by
Super-
intendent

Annual reports
of board of
education

Special
reports

Removal of
members of
board

Dissolution
of common
school dis-
tricts upon
consent

commissioner having jurisdiction may dissolve such common school district or districts and annex the territory of such district or districts so dissolved to such union free school district, and the school commissioner having jurisdiction may alter any union free school district whose limits do not correspond with those of any incorporated village or city, in the manner provided by title 6 of this act, but no such district shall be divided, upon which there is an outstanding bonded indebtedness. Such school commissioner on the written consent of the boards of education of the districts affected may also dissolve a union free school district when it adjoins another union free school district and both of such union free school districts are wholly located within the limits of a city or an incorporated village and annex the territory of such dissolved district to the remaining union free school district. The bonded indebtedness of each of such districts shall, upon such dissolution and annexation, become a charge upon the enlarged district thus formed. Such district shall succeed to all the rights of property possessed by the annulled district. The board of education of such district shall raise by tax an amount sufficient to pay any of the bonds and interest thereon of such district as the same shall become due.

Annexation of territory to union district

Alteration of union district

§31 At any annual meeting held in any union free school district whose limits do not correspond with those of any incorporated village or city, the qualified voters may determine by a majority vote of such voters present and voting, to be ascertained by taking and recording the ayes and noes, to increase or diminish the number of members of the board of education of such district. If such board shall consist of less than nine members, and such meeting shall determine to increase the number, such meeting shall elect such additional number so determined upon, and shall divide such number into three several classes, the first to hold office one year, the second two years and the third three years. If such meeting shall determine to diminish the number of such members composing said board, no election shall be held in such district to fill the vacancies of the outgoing member or members thereof, until the number of members shall correspond to the number which such meeting shall determine to compose such board. No board of education of such district shall consist of less than three nor more than nine members. No change shall be made in the number of trustees of any such school district unless notice is given by the board of education at the time and in the

Increase or diminution of members of board of education

Number restricted

¹As amended by section 1, chapter 463, laws of 1903.

TITLE 8

same manner of giving notice of the annual school meeting that a vote will be taken upon the question of changing the number of trustees at such annual meeting.

§32 In any union free school district established under the laws of this state, and which shall have been established for the period of one year or more, it shall be the duty of the board of education, upon the application of 15 resident taxpayers of such district, to call a special meeting in the manner prescribed by law, for the purpose of determining whether application shall be made in the manner hereinafter provided, for the dissolution of such union free school district, and for its reorganization as a common school district or districts.

§33 Whenever, at any such meeting called and held as aforesaid, it shall be determined by a majority vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, not to dissolve such union free school district, no other meeting for a similar purpose shall be held in said district within three years from the time the first meeting was held, and whenever at any such meeting called and held as aforesaid it shall be determined by a two thirds vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, to dissolve such union free school district, it shall be the duty of the board of education to present to the school commissioner of the commissioner district in which said union free school is situated, a certified copy of the call, notice and proceedings. If such school commissioner shall approve the proceedings of said meeting, he shall certify the same to the board of education. Such approval shall not take effect until the day preceding the first Tuesday of August next succeeding; but after that date such district shall cease to be a union free school district.

§34 If any union free school district dissolved under the foregoing provisions shall have been established by the consolidation of two or more districts, it shall be lawful for such school commissioner to order that its territory be divided into two or more districts, to correspond, so far as practicable, with the districts theretofore consolidated.

§35 If there shall be, in such dissolved union free school district, an academy which shall have been adopted as the academic department of the union free school, under the provisions of title 9, chapter 555 of the laws of 1864, and any amendment thereof, or under this act shall, upon the application of a majority of the surviving resident former trustees or stockholders, be transferred by the board of education to said former trustees or stockholders.

Special
meeting for
dissolution of
union district

Meetings not
to be held
often than
triennially

Proceedings
upon favor-
able vote

Approval of
proceedings

Division of
dissolved
district in
certain cases

Transfer of
academies to
former
trustees

§36 Such school commissioner may make his approval of the proceeding of any such meeting held as aforesaid conditional upon the payment, by the district which has been most greatly benefited by the consolidation in the way of buildings and other improvements to the other district or districts into which the said union free school district is divided, to such sum or sums of money as they may deem equitable.

Conditional approval of proceedings

§37 All moneys remaining in the hands of the treasurer of the union free school district when the order of dissolution shall take effect shall be apportioned equitably among the several districts into which such union free school district is divided, and it shall be paid over to the collectors or treasurers of such districts when they shall have been elected and have qualified according to law.

Apportionment of moneys on hand

§38 The district or districts formed by the dissolution of such union free school district shall hold its or their annual meeting or meetings on the first Tuesday of August, next after the dissolution of such union free school district, and shall elect officers as now required by law.

Annual meetings of districts created by dissolution

§39 If such school commissioner shall not approve the proceedings of any such meeting, held as aforesaid, for the purpose of dissolving a union free school district, no other meeting shall be held in such district, for a similar purpose, within three years from the time the first meeting was held.

Effect of disapproval of proceedings

§40 Whenever the proceedings of a meeting, held as aforesaid, for the purpose of dissolving a union free school district, shall have been approved by such school commissioner and shall have been certified by him to the board of education, it shall be the duty of the board of education of the district affected forthwith to notify the Superintendent of Public Instruction, and to furnish him copies of the call, notice, proceedings of the meeting, and the action taken by such school commissioner thereon.

Superintendent to be notified of dissolution

§41 Any person or persons conceiving himself or themselves aggrieved by the action, proceedings or decision of any special meeting held under the provisions of this article, or by the order, decision, action or proceedings of any school commissioner under or pursuant to the provisions of this article, may appeal therefrom to the Superintendent of Public Instruction, who is hereby authorized and required to examine and decide the same; and his decision shall be final and conclusive.

Appeal to Superintendent

§42 The provisions of this title shall apply to all union free schools heretofore organized pursuant to the provisions of chapter

Provisions applicable to schools heretofore organized

¹As amended by section 1, chapter 427, laws of 1904.

TITLE 9

433 of the laws of 1853, and the amendments thereof, and of chapter 555 of the laws of 1864, and the amendments thereof; and sections 9 and 10 of this title, are made applicable to all school districts established by and organized under special statutes, except those of cities; and subdivisions 16 and 17 of section 15, and section 17 of this title are made applicable to all school districts having a population of 5000 and upwards established by and organized under special statutes; and all acts or parts of acts inconsistent with and repugnant to said sections 9, 10 and 17 and said subdivisions 16 and 17 of section 15 of this title are hereby repealed. So much of section 7 of this title as relates to the election of a clerk shall not affect the towns of Cortland and White Plains in Westchester county.

TITLE IX

Acquisition of schoolhouse sites

Acquisition of
lands for sites

¹§1 Land for the site of a schoolhouse in any school district, or additional land adjoining to and for the enlargement of an established site in any school district, may be acquired in cases where the owner or owners thereof, or some of them, shall not consent to sell the same for such purpose, or the trustee, trustees or board of education of the district can not agree with such owner or owners or some of them, upon the price or value thereof as real property for public use is taken under and pursuant to the laws of the state. The trustee or trustees or board of education of any such school district is or are hereby authorized and empowered to institute, carry on and complete the proceedings necessary for acquiring said land, and the title thereto, for and on behalf of such district. The method of procedure to acquire such land shall be that prescribed for the condemnation of real property for public use in title 1 of chapter 23 of the Code of Civil Procedure, and any amendment thereof, entitled "proceedings for the condemnation of real property," and known as the "condemnation law."

Method of
procedure

Application of
section

Lands, certain,
not to be
taken

²§2 The provisions of the foregoing section shall not apply to cities of more than 30,000 inhabitants nor shall it be lawful under said section to acquire title to less than the whole of any city or village lot, with the erections thereon, if any, without the consent of such owner or owners; nor beyond the corporate limits of cities, to any garden or orchard, or any part thereof, nor to any part of any yard or inclosure necessary to the use and enjoyment of buildings, or any fixtures or erections for the purposes of trade or manufactures, without the consent of the owner or owners thereof.

¹As amended by section 1, chapter 480, laws of 1901.

²As amended by section 1, chapter 305, laws of 1904.

TITLE 10

§3 Boards of education in cities of not more than 30,000 inhabitants are hereby clothed with all the powers of trustees and the title to any and all lands acquired in any city under the provisions of section 1 of this title, shall vest in the board of education thereof, or such other corporate body as is by law vested with the title to the school lands in such city. But nothing herein contained shall be construed to limit or circumscribe the powers and duties heretofore lodged in such board of education by law.

Boards of education, when trustee.

Title to lands

Proviso

§4 The provisions of section 1 of this title shall be extended and apply to the city of Brooklyn, and the board of education of that city is hereby clothed with all the powers of trustees under the provisions of this title, and the title to any and all lands acquired in said city under the provisions of this act shall vest in the board of education thereof. The proceedings mentioned in section 1 of this title may be authorized by a vote of said board of education and the petition may be signed by the officers of said board.

Provisions extended to city of Brooklyn

§5 The provisions of section 1 of this title shall apply to union free school districts and to districts organized under special laws; and the trustee or trustees of such districts, and the boards of education organized under special laws shall be and are hereby clothed with all the powers vested in trustees in this title.

Provisions applicable to districts organized under special laws

TITLE X

Teachers institutes

§1 It shall be the duty of the Superintendent of Public Instruction to appoint a teachers institute once in each year in each school commissioner district of the state, for the benefit and instruction of the teachers in the public schools, and of such as intend to become teachers, with special reference to the presentation of subjects relating to the principles of education and methods of instruction in the various branches of study pursued in the schools. After consultation with the school commissioners, the said Superintendent shall have power to determine the duration of each institute and to designate the time and place of holding the same. He shall also have power to employ suitable persons, at a reasonable compensation, to supervise and conduct the institutes, and, in his discretion, to provide for such additional instruction as he may deem advisable and for the best interests of the schools. He may also, in his discretion, appoint an institute for two or more commissioner districts. He shall establish such regulations for the government of institutes as he may deem best; and he may establish regulations in regard to certificates of qualification or

Superintendent to appoint teachers institute

Duration, time and place of holding same

Employment of conductor etc.

Discretionary powers

Regulations

TITLE 10

recommendation which may be issued by school commissioners as will, in his judgment, furnish incentives and encouragement to teachers to attend the institutes. So far as consistent with other duties imposed upon him, the Superintendent shall visit the institutes, or cause them to be visited by representatives of the Department of Public Instruction, for the purpose of examining into the course and character of instruction given, and of rendering such assistance as he may find expedient.

§2 It shall be the duty of every school commissioner, subject always to the advice and direction of the Superintendent of Public Instruction, and in such form and manner as may be deemed most effectual, to notify all teachers, trustees, boards of education and others known to him, who may desire to become teachers under his jurisdiction, of the time when and the place where the institute will be held. The school commissioner shall make all necessary arrangements for holding the institute when appointed; see that a suitable room is provided; attend to all the necessary details connected therewith; assist the conductor in organization; keep a record of all teachers in attendance; and notify the trustees of the number of days attended by the teachers of the various districts, which shall be the basis of pay to such teacher for attendance as hereafter provided. He shall also transmit to the Superintendent of Public Instruction at the close of each institute, in such form, and within such time as the Superintendent shall prescribe, a full report of the institute, including a list of all teachers in attendance, the number of days attended by each teacher, with such other statistical information as may be required. He shall present a full statement of all expenses incurred by him in carrying on the institute, with vouchers for all expenditures made, accompanying the same by an affidavit of the correctness of statements made and of accounts presented.

§3 The school commissioner shall have the right to hold an institute when appointed in any school building in any district under such commissioner's jurisdiction which receives public money from the state, without expense therefor to the state beyond a reasonable allowance to said district for lighting, heating and janitor service, provided always that due and proper care shall be maintained, and the school building left in the like condition as found as regards cleanliness and neatness.

§4 All schools in school districts and parts of school districts within any school commissioner district wherein an institute is

¹As amended by section 5, chapter 512, laws of 1897.

Visitation
of institutes
by Super-
intendent

Notice of
time and
place of hold-
ing institutes

Duty of school
commissioner

Report to
Super-
intendent

Statement of
expenses

Right to
hold institute
in school
buildings

Closing of
schools during
session

held, not included within the boundaries of an incorporated city, except as hereinafter provided, shall be closed during the time such institute shall be in session. The closing of a school within the school commissioner district wherein an institute shall be held, at which a teacher has attended, shall not work a forfeiture of the contract under which such teacher was employed. In all districts having a population of more than 5000, and employing a superintendent whose time is exclusively devoted to the supervision of the schools therein, the schools may be closed or not at the option of the boards of education in such districts. The trustees of every school district are hereby directed to give the teacher or teachers employed by them, the whole of the time spent by them in attending at an institute or institutes held as hereinbefore stated, without deducting anything from the wages of such teacher or teachers for the time so spent. All teachers under a contract to teach in any commissioner district shall attend such institute so held for that district, and shall receive wages for such attendance.

Vacation for teachers

Attendance of teachers under contract

§5 In the apportionment of public school money, the schools thus closing in any school term shall be allowed the same average pupil attendance during such time, as was the average weekly aggregate during the week previous to such institute, and any school continuing its sessions in violation of the above provision shall not be allowed any public money based upon the aggregate attendance for the period during which the institute was held. Trustees and boards of education in such school districts and parts of school districts shall report, in their annual reports to the school commissioners, the number of days and the dates thereof on which a teachers institute was held in their districts during the school year, and whether schools under their charge were or were not closed during such days; and whenever the trustees' report shows a district school has been supported for the full time required by law, including the time spent by the teacher or teachers in their employ in attendance upon such institute, and that the trustees have given the teacher or teachers the time of such absence, and have not deducted anything from his or their wages on account thereof, the Superintendent of Public Instruction may include the district in his apportionment of the state school moneys, and direct that it be included by the school commissioner or commissioners in their apportionment of school moneys; provided, always, that such school district be in all other respects entitled to be included in such apportionment.

Allowance of attendance in apportionment of state money

Report of trustees and boards of education

Superintendent may include districts in apportionment

Proviso

§6 Wilful failure on the part of a teacher to attend a teachers institute as required, shall be considered sufficient cause for the

Failure of teacher to attend institute

¹As amended by section 17, chapter 264, laws of 1896.

TITLE 10

Failure of trustee to close schools

Teachers entitled to wages.

Payment of expenses

Annual appropriation

Summer institutes

revocation of such teacher's license, and a wilful failure on the part of trustees to close their schools during the holding of an institute as required, shall be considered sufficient cause for withholding the public moneys to which such districts would otherwise be entitled. Any person under contract to teach in a school in any commissioner district is required to attend an institute, if held for that district, even though at the time the school is not in session, and shall be entitled to receive wages for such attendance.

§7 The treasurer shall pay, on the warrant of the Comptroller, to the order of any one or more of the school commissioners, such sum or sums of money as the Superintendent of Public Instruction shall certify to be due to them for expenses in holding a teachers institute; and, upon the like warrant and certificate to pay to the order of any persons employed by the Superintendent as additional instructors to conduct, instruct, teach or supervise any such teachers institute.

§8 There shall be annually appropriated out of the free school fund the sum of \$30,000 for the maintenance of teachers institutes.

§9 There shall be annually appropriated out of the free school fund the sum of \$6000, for the establishment and maintenance of summer institutes in accordance with the provisions of this section. It shall be the duty of the Superintendent of Public Instruction to establish and maintain three summer institutes having a course of at least three weeks duration for the training and instruction of teachers for the common schools of the state, to be located at three convenient and accessible points therein to be selected by him. Such institutes shall be supplied with proper instructors, to be appointed by the State Superintendent for that purpose, utilizing so far as practicable, those who are employed as institute conductors. Admission to said institutes and all the advantages thereof, shall be free to all teachers of the state and those preparing for teaching therein. The Superintendent of Public Instruction shall establish such regulations for the government of such summer institutes as he may deem best, and may establish regulations in regard to examinations thereat and certificates of qualification to be issued to graduates therefrom as shall, in his judgment, best furnish incentives and encouragement to teachers to attend such institutes. The conductor in charge of such institutes shall transmit to the Superintendent of Public Instruction at the close thereof, in such form and at such time as the Superintendent shall prescribe, a full report of such institute, including a list of all

¹Added to title 10 by chapter 156, laws of 1896.

the teachers in attendance, the number of days attended by each teacher, together with such other statistical information as the Superintendent may require. He shall present a full statement of all the expenses incurred by him in carrying on the institute, with vouchers for all expenditures made, accompanying the same by an affidavit of the correctness of the statements made and accounts presented. The sum of \$6,000 is hereby appropriated out of the free school fund for the purposes of carrying out the provisions of this act. Appropriation

TITLE XI

Teachers training classes

§1 There shall be annually appropriated out of the income of the United States deposit fund, not otherwise appropriated, the sum of \$30,000 and out of the free school fund the sum of \$30,000 for the instruction of competent persons in academies and union schools, in the science and practice of common school teaching, under a course to be prescribed by the Superintendent of Public Instruction. Annual appropriation for instruction of teachers

§2 The Superintendent of Public Instruction shall designate the academies and union schools in which such instruction shall be given, distributing them among the school commissioner districts of the state, as nearly as may well be, having reference to the number of school districts in each, to location and to the character of the institutions selected. Designation of academies and schools

§3 Every academy and union school so designated shall instruct a class of not less than 10 nor more than 25 scholars, and every scholar admitted to such class shall continue under instruction not less than 16 weeks. Whenever it shall be shown to the satisfaction of the Superintendent of Public Instruction that any pupil attending such class or classes, has been prevented from attending the same for the full term of 16 weeks, or has attended the first full term, but not the full time in the second term, during any one year, or that for any reason satisfactory to such Superintendent, said class or classes have not been held for the full term of 16 weeks, such Superintendent may excuse such default and allow to the trustees of the academy or union free school in which said class or classes shall have been instructed, pay for such scholar or scholars for the time actually spent in attendance, or during which said class or classes shall have been under instruction, at the rate of \$1 for each week's instruction, as provided in section 5 Instruction of classes
Default in attendance on term of instruction
Allowance of pay

TITLE 12

Conditions
of admission,
number of
classes, etc.

of this title. The Superintendent shall prescribe the conditions of admission to the classes, the course of instruction and the rules and regulations under which said instruction shall be given, and shall, in his discretion, determine the number of classes which may be formed in any one year, in an academy or union school, and the length of time exceeding 16 weeks during which such instruction may be given.

Instruction
free

§4 Instruction shall be free to all scholars admitted to such classes, and who have continued in them the length of time required by the third section of this title.

Payments to
trustees for
instruction

§5 The trustees of all academies and union schools in which such instruction shall be given shall be paid from the appropriations named in the first section of this title at the rate of \$1 for each week's instruction for each scholar who has attended for the term of time as required by section 3 of this title, on the certificate of the Superintendent, to be furnished to the Comptroller.

Expenses of
inspection and
supervision

§6 The appropriation provided by this act, for the instruction in academies and union schools in the science and practice of common school teaching, shall be deemed to include, and shall include, the due inspection and supervision of such instruction by the Superintendent of Public Instruction, and the expenses of such inspection and supervision shall be paid out of said appropriation on vouchers certified by the Superintendent.

Visitation of
classes

§7 Each class organized in any academy or union school under appointment by the Superintendent for instruction in the science and practice of common school teaching, shall be subject to the visitation of the school commissioner of the district in which such academy or union school is situated; and it shall be the duty of said commissioner to advise and assist the principals of said academies or union schools in the organization and management of said classes, and at the close of the term of instruction of said classes, under the direction of the Superintendent, to examine the students in such classes, and to issue teachers certificates to such as show moral character, fitness and scholastic and professional qualifications, worthy thereof.

Duty of school
commissioners

TITLE XII

State scholarships in Cornell University

Departments
open to
applicants

§1 The several departments of study in Cornell University shall be open to applicants for admission thereto at the lowest rates of expense consistent with its welfare and efficiency, and without distinction as to rank, class, previous occupation or locality. But,

with a view to equalize its advantages to all parts of the state, the institution shall receive students to the number of one each year from each assembly district in this state, to be selected as hereinafter provided, and shall give them instruction in any or in all the prescribed branches of study in any department of said institution, free of any tuition fee or of any incidental charges to be paid to said university, unless such incidental charges shall have been made to compensate for materials consumed by said students or for damages needlessly or purposely done by them to the property of said university. The said free instruction shall, moreover, be accorded to said students in consideration of their superior ability, and as a reward for superior scholarship in the academies and public schools of this state. Said students shall be selected as the Legislature may from time to time direct, and until otherwise ordered as follows:

Free scholarships

Selection of students

1 A competitive examination, under the direction of the Department of Public Instruction, shall be held at the county courthouse in each county of the state, upon the first Saturday of June, in each year, by the city superintendents and the school commissioners of the county.

Competitive examination

2 None but pupils of at least 16 years of age and of six months standing in the common schools or academies of the state, during the year immediately preceding the examination, shall be eligible.

Qualifications of applicants

3 Such examination shall be upon such subjects as may be designated by the president of the university. Question papers prepared by the Department of Public Instruction shall be used, and the examination papers handed in by the different candidates shall be retained by the examiners and forwarded to the Department of Public Instruction.

Subjects for examination

4 The examiners shall, within 10 days after such examination, make and file in the Department of Public Instruction a certificate, in which they shall name all the candidates examined and specify the order of their excellence, and such candidates shall, in the order of their excellence, become entitled to the scholarships belonging to their respective counties.

Certificate of scholarship, filing of

5 In case any candidate who may become entitled to a scholarship shall fail to claim the same, or shall fail to pass the entrance examination at such university, or shall die, resign, absent himself without leave, be expelled, or, for any other reason, shall abandon his right to or vacate such scholarship either before or after entering thereupon, then the candidate certified to be next entitled in the same county shall become entitled to the same.

Vacancies, how filled

In case any scholarship belonging to any county shall not be claimed by any candidate resident in that county, the State Superintendent may fill the same by appointing thereto some candidate first entitled to a vacancy in some other county, after notice has been served on the Superintendent or commissioners of schools of said county. In any such case, the president of the university shall at once notify the Superintendent of Public Instruction, and that officer shall immediately notify the candidate next entitled to the vacant scholarship of his right to the same.

Leave of
absence, when
granted

6 Any state student who shall make it appear to the satisfaction of the president of the university that he requires leave of absence, for the purpose of earning funds with which to defray his living expenses while in attendance, may, in the discretion of the president, be granted such leave of absence, and may be allowed a period not exceeding six years from the commencement thereof for the completion of his course at said university.

Preference of
candidates

7 In certifying the qualifications of the candidates, preference shall be given (where other qualifications are equal) to the children of those who have died in the military or naval service of the United States.

Notices of
examinations

8 Notices of the time and place of the examinations shall be given in all the schools having pupils eligible thereto, prior to the first day of January in each year, and shall be published once a week, for three weeks, in at least two newspapers in each county immediately prior to the holding of such examinations. The cost of publishing such notices and the necessary expenses of such examination shall be a charge upon each county, respectively, and shall be audited and paid by the board of supervisors thereof.

Duty of State
Superinten-
dent

The State Superintendent of Public Instruction shall attend to the giving and publishing of the notices hereinbefore provided for. He may, in his discretion, direct that the examination in any county may be held at some other time and place than that above specified, in which case it shall be held as directed by him. He shall keep full records in his department of the reports of the different examiners, showing the age, postoffice address and standing of each candidate, and shall notify candidates of their rights under this act. He shall determine any controversies which may arise under the provisions of this act. He is hereby charged with the general supervision and direction of all matters in connection with the filling of such scholarships. Students enjoying the privileges of free scholarships shall, in common with the other students of said university, be subject to all of the examinations, rules and

Liabilities and
restrictions
imposed on
students

requirements of the board of trustees or faculty of said university, except as herein provided.

TITLE XIII

Common school and public libraries

§1 So much of the school library money as shall be needed for that purpose shall be apportioned among the several cities and school districts by the State Superintendent of Public Instruction, who may, so far as consistent with law, make, alter or repeal any rules that he may deem proper for regulating the expenditure of the school library money and the administration and care of school libraries established or maintained under authority of this act; provided, that no portion of the school library money shall be expended except for books approved by the said Superintendent. said school libraries shall consist of reference books for use in the schoolroom, suitable supplementary reading books for children, or books relating to branches of study being pursued in the school and pedagogic books as aids to teachers. And no city or school district shall share in the apportionment unless it shall raise and use for the same purpose an equal amount from taxation or other local sources, and shall also comply with the requirements of the Superintendent as to the care of such libraries and otherwise. Library moneys shall be apportioned to the school districts and parts of school districts joint with parts in any city or in any adjoining county which shall be entitled to participate therein as follows: To each of said districts an amount equal to that which shall have been raised in said district for library purposes, either by tax or otherwise; and if the aggregate amount so raised in the districts within the county, shall exceed the sum apportioned to the county, the said districts respectively shall be entitled to participate in such apportionment pro rata to the total amount apportioned to the county. All school library moneys unapportioned by school commissioners and remaining in the hands of county treasurers shall in each succeeding year, be added to the school library money apportioned by the Superintendent of Public Instruction to the counties of the state.

Library moneys, apportionment and expenditure of

Requirements for share in apportionment

Apportionment to joint districts

Disposition of unapportioned moneys

§2 The school library shall be a part of the school equipment and shall be kept in the school building at all times, and shall not be used as a circulating library, except that, so far as the rules fixed by the State Superintendent shall allow, teachers and school officers or pupils, with the leave of the librarian, may borrow from said library any book not needed for reference in the schoolroom,

Use etc. of school library

TITLE 13

Librarian

but such persons shall not borrow more than one volume at a time and shall not keep the same more than two weeks. The board of education or trustees shall appoint a teacher of the schools under their charge as librarian, who, with the trustees, shall be responsible for the safety and proper care of the books, and shall annually, and whenever required, make such reports concerning the library as the State Superintendent may direct.

Existing laws and rules applicable

§3 All existing provisions of law and rules established by the Superintendent of Public Instruction for the management of district libraries shall hold good as to the management of school libraries till altered by or in pursuance of law.

Tax

§4 Each city and school district in the state is hereby authorized to raise moneys by tax in the same manner as other school moneys are raised, or to receive moneys by gift or devise, for starting or extending or caring for the school library.

Gifts and devises

Transfer of books, etc. to free public libraries

§5 Any board of education in any city or union free school district, or any duly constituted meeting in any other district, is hereby authorized to give any or all of its books or other library property to any township or other free public library under state supervision, or to aid in establishing such free public library, provided it is free to the people of such city or district. A receipt from the officers of the said free public library, and an approval of the transfer under seal by the Regents of the University, shall forever thereafter relieve the said school authorities of further responsibility for the said library and property so transferred.

Release of school authorities

Public libraries may take books, etc. of district libraries

§6 Any books or other library property belonging to any district library, and which have not been in direct charge of a librarian duly appointed within one year, may be taken and shall thereafter be owned by any public library under state supervision, which has received from the Regents of the University written permission to collect such books or library property, and to administer the same for the benefit of the public; provided, that said books or other library property shall be found in the territory for which such public library is maintained, as defined in its charter or in the permission granted by the Regents; and further provided that, on written request of the school authorities, any dictionaries, cyclopedias and pedagogic books shall be placed in the school library of the district to which such books originally belong. Any person, association or corporation having possession of books or other property belonging to any school, district or other public library, except books regularly borrowed and charged for a period not yet expired, shall deliver the same within one month from the

Delivery of books and property to libraries

passage of this law to the legally appointed librarian of such library, or of the free public library, duly authorized to take the same as provided in this section, and wilful neglect or refusal to comply with this provision shall be a misdemeanor.

§7 The public shall not be entitled to use any library, now or hereafter in the custody of the school authorities, but said authorities may appoint three trustees who shall have the powers, duties and responsibilities of trustees of public libraries incorporated by the Regents, and thereafter the school authorities may transfer to the custody of said trustees for the purpose of a circulating library any of their library property as provided in section 5.

Public not entitled to use of school library

§8 The State Superintendent of Public Instruction is hereby authorized to withhold its share of public school moneys from any city or district which uses school library moneys for any other purpose than that for which they are provided, or for any wilful neglect or disobedience of the law or the rules or orders of said Superintendent in the premises.

Withholding of moneys by Superintendent

TITLE XIV

Appeals to the Superintendent of Public Instruction

§1 Any person conceiving himself aggrieved in consequence of any decision made:

Appeals to Superintendent

1 By any school district meeting;

2 By any school commissioner or school commissioners and other officers, in forming or altering, or refusing to form or alter, any school district, or in refusing to apportion any school moneys to any such district or part of a district;

3 By a supervisor in refusing to pay any such moneys to any such district;

4 By the trustees of any district in paying or refusing to pay any teacher, or in refusing to admit any scholar gratuitously into any school;

5 By any trustees of any school library concerning such library, or the books therein, or the use of such books;

6 By any district meeting in relation to the library;

7 By any other official act or decision concerning any other matter under this act, or any other act pertaining to common schools, may appeal to the Superintendent of Public Instruction, who is hereby authorized and required to examine and decide the same; and his decision shall be final and conclusive, and not subject to question or review in any place or court whatever.

Decision final

TITLE 15

Superintendent's powers

§2 The Superintendent, in reference to such appeals, shall have power:

1 To regulate the practice therein.

2 To determine whether an appeal shall stay proceedings, and prescribe conditions upon which it shall or shall not so operate.

3 To decline to entertain or to dismiss an appeal, when it shall appear that the appellant has no interest in the matter appealed from, and that the matter is not a matter of public concern, and that the person injuriously affected by the act or decision appealed from is incompetent to appeal.

4 To make all orders, by directing the levying of taxes or otherwise, which may, in his judgment, be proper or necessary to give effect to his decision.

Record of appeals

§3 The Superintendent shall file, arrange in the order of time, and keep in his office, so that they may be at all times accessible, all the proceedings on every appeal to him under this title, including his decision and orders founded thereon; and copies of all such papers and proceedings, authenticated by him under his seal of office, shall be evidence equally with the originals.

Copies thereof evidence

TITLE XV

Miscellaneous provisions

ARTICLE I

Of loss of school moneys apportioned; of forfeiture by school officers by reason of neglect to sue for penalties; of costs in suits which might have been the subjects of appeal to the Superintendent of Public Instruction; of costs in suits, actions and proceedings other than appeals to the Superintendent of Public Instruction

Loss of school moneys apportioned

§1 Whenever the share of school moneys or any portion thereof, apportioned to any town or school district, or any money to which a town or school district would have been entitled, shall be lost, in consequence of any wilful neglect of official duty by any school commissioner, town clerk, trustees or clerks of school districts, the officer or officers guilty of such neglect shall forfeit to the town, or school district so losing the same, the full amount of such loss with interest thereon.

Forfeiture

Neglect to sue for penalties

§2 Where any penalty for the benefit of a school district, or of the schools of any school district, town, school commissioner district or county, shall be incurred, and the officer or officers, whose duty it is by law to sue for the same, shall wilfully and unreasonably refuse or neglect to sue for the same, such officer or officers

shall forfeit the amount of such penalty to the same use, and it shall be the duty of their successor or successors in office to sue for the same. Forfeiture

§3 In any action against a school officer or officers, including supervisors of towns, in respect to their duties and powers under this act, for any act performed by virtue of or under the color of their offices, or for any refusal or omission to perform any duty enjoined by law, and which might have been the subject of an appeal to the Superintendent, no costs shall be allowed to the plaintiff, in cases where the court shall certify that it appeared on the trial that the defendants acted in good faith. But this provision shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the Superintendent. Action against school officers, including supervisors

§4 Whenever the trustees of any school district, or any school district officer or officers, have been or shall be instructed by a resolution of the district, at a meeting called for that purpose, to defend any action brought against them, or to bring or defend an action or proceeding touching any district property or claim of the district, or involving its rights or interests, or to continue any such action or defense, all their costs and reasonable expenses, as well as all costs and damages adjudged against them, shall be a district charge and shall be levied by tax. If the amount claimed by them be disputed by a district meeting, it shall be adjusted by the county judge of any county in which the district or any part of it is situated. Action by school officer

§5 Whenever such trustees or any school district officer shall have brought or defended any such action or proceeding, without any such resolution of the district meeting, and after the final determination of such suit or proceeding, shall present to any regular meeting of the inhabitants of the district, an account, in writing, of all costs, charges and expenses paid by him or them, with the items thereof, and verified by his or their oath or affirmation, and a majority of the voters at such meeting shall so direct, it shall be the duty of the trustees to cause the same to be assessed upon and collected of the taxable property of said district, in the same manner as other taxes are by law assessed and collected; and, when so collected, the same shall be paid over, by an order upon the collector or treasurer to the officer or officers entitled to receive the same; but this provision shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the Superintendent of Public Instruction. Costs and expenses thereof

§6 Whenever an officer or officers mentioned in the last preceding section of this title shall have complied with the provisions of Actions without direction of district

§6 Whenever an officer or officers mentioned in the last preceding section of this title shall have complied with the provisions of Tax for costs and expenses

§6 Whenever an officer or officers mentioned in the last preceding section of this title shall have complied with the provisions of Proviso

§6 Whenever an officer or officers mentioned in the last preceding section of this title shall have complied with the provisions of Appeal on refusal to levy tax

TITLE 15

said section, and the inhabitants shall have refused to direct the trustees to levy a tax for the payment of the costs, charges and expenses therein mentioned, it shall be lawful for him or them then and there, to give notice orally and publicly, that he will appeal to the county judge of the county; and in case of his disability to act in the matter by reason of being disqualified, or otherwise, then to the district attorney of the county in which the school-house of said district is located, from the refusal of said meeting to vote a tax for the payment of said claim, and the inhabitants may, then and there, or at any subsequent district meeting, appoint one or more of the inhabitants of the district to protect the rights and interests of the district upon said appeal. And the officer or officers before mentioned shall thereupon, within 10 days, serve upon the clerk of said district (or if there be no such clerk, upon the town clerk of the town) a copy of the aforesaid account, so sworn to, together with a notice, in writing, that on a certain day therein specified he or they intend to present such account to the county judge or to the district attorney, as the case may be, for settlement. And the clerk shall record such notice, together with the copy of the account, and the same shall be subject to the inspection of the inhabitants of the district. And it shall be the duty of the person or persons appointed by any district meeting for that purpose, to appear before the county judge or the district attorney, as the case may be, on the day mentioned in the notice fore-said, and to protect the rights of the district upon such settlement; and the expenses incurred in the performance of this duty shall be a charge upon said district, and the trustees, upon presentation of the account of such expenses, with the proper voucher therefor, may levy, a tax therefor, or add the same to any other tax to be levied by them; and their refusal to levy said tax for the payment of said expenses, shall be subject to an appeal to the Superintendent of Public Instruction.

§7 Upon the appearance of the parties, or upon due proof of service of the notice and copy of the account, the county judge shall examine into the matter and hear the proofs and allegations presented by the parties, and decide by order whether or not the account, or any and what portion thereof, ought justly be charged upon the district, with costs and disbursements to such officer or officers, in his discretion, which costs and disbursements shall not exceed the sum of \$30, and the decision of the county judge shall be final; but no portion of such account shall be so ordered to be paid which shall appear to such judge to have arisen from the wil-

Notice to be
given

Appointment
of inhabitant
to protect
interest

Service of
copy of
account upon
town clerk

Record of
notice

Appearance
before county
judge or
district
attorney

Levy of tax
for expenses

Hearing
before county
judge and
decision
thereupon

Costs

Proviso as to
payment

ful neglect or misconduct of the claimant. The account with the oath of the party claiming the same shall be prima facie evidence of the correctness thereof. The county judge may adjourn the hearing from time to time, as justice shall seem to require.

Evidence of correctness of account
Adjournment of hearing

§8 It shall be the duty of the trustees of any school district, within 30 days after service of a copy of such order upon them or upon the district clerk, and notice thereof to them, or any two of them, to cause the same to be entered at length in the book of record of said district, and to raise the amount thereby directed to be paid, by a tax upon the district, to be by them assessed and levied in the same manner as a tax voted by the district.

Record of order

ARTICLE 2

Changes in textbooks

§9 The boards of education, or such bodies as perform the functions of such boards in the several cities, villages and union free school districts of this state, shall have power and it shall be their duty to adopt and designate textbooks to be used in the schools under their charge in their respective districts. In the common school districts in the state the textbooks to be used in the schools therein shall be designated at any annual school meeting by a two thirds vote of all the legal voters present and voting at such school meeting.

Adoption and designation of textbooks

§10 When a textbook shall have been adopted for use in any of the public or common schools in this state, as provided in the ninth section of this title, it shall not be lawful to supersede the textbook so adopted by any other book within a period of five years from the time of such adoption, except upon a three fourths vote of the board of education, or of such body as performs the function of such board, where such board has made the designation, or upon a three fourths vote of the legal voters present and voting at the annual school meeting in any common school district.

Change of textbooks

§11 Any person or persons violating any of the provisions of this act shall be liable to a penalty of not less than \$50 nor more than \$100 for every such violation, to be sued for by any taxpayer of the school district, and recovered before any justice of the peace, said fine, when collected, to be paid to the collector or treasurer for the benefit of said school district.

Penalty for violation of provisions

ARTICLE 3

Care of code of public instruction

§12 The trustee or trustees of each school district are hereby made the custodians of the code of public instruction belonging

Trustees custodians of code

TITLE 15

Replacement
in case of loss

to such school district, and shall deliver the same to their successor or successors in office. And in case such copy of said code shall have been lost or destroyed through or by means of the fault or negligence of the trustee or trustees, the trustee so permitting the same to be lost or destroyed shall, at their own expense, procure a copy of the latest edition of the code of public instruction and deliver the same to their successor or successors in office in lieu of the copy so lost or destroyed.

Penalty

§13 Every trustee who fails to comply with the provisions of the foregoing section shall forfeit the sum of \$25. This penalty shall be sued for by the supervisor of the town and shall be used in the purchase of books for the school library.

ARTICLE 4

Contracts between school districts and boards of education in other districts, villages and cities

Contract for
teaching
children

§14 Whenever any school district, by a vote of a majority of the qualified voters present and voting thereon, shall empower the trustees or board of education thereof, the said trustees or board of education shall enter into a written contract with the trustees or boards of education consenting thereto, of any district, village or city, whereby all or part of the children of such district may be entitled to be taught in the public schools of such city, village or school district for such period as said authorities may agree upon not exceeding one full school year. Upon filing a copy of such contract, duly certified by the trustees of each of such school districts, or by the secretary of the board of education of such city or village in the office of the State Superintendent of Public Instruction, such school district shall, after such contract has been approved by the State Superintendent, be deemed to have employed a competent teacher for the period of such contract. Whenever the period of such contract or the period of such contract together with the time school is actually taught in said district shall amount to at least 160 days and the contract shall include all the children of school age in said district, said district shall be entitled to receive one distributive district quota; if said district maintains a home school and contracts for a part only of the children, it shall be entitled to one teacher's quota in addition to its district quota for not less than 12 pupils attending under such contract; but in no instance shall any school district receive a greater apportionment than the total expense incurred in payment of tuition and

¹As amended by chapter 265, laws of 1903, and by section 1, chapter 322, laws of 1904.

transportation of pupils as shown by the report of the trustee to the school commissioner.

§15 The board of education of any city or village, and the trustees of any school district so contracting with any other school district, shall report for the pupils attending such schools from such adjoining districts to the Superintendent of Public Instruction, the same as though they were residents of such city, village or school district.

§16 It shall be the duty of the Superintendent of Public Instruction to give to school commissioners such directions as may, in his judgment, be required and proper in relation to the reports to be made by the trustees of such districts to school commissioners. Instructions to commissioners as to reports by trustees

ARTICLE 5.

Contracts with teachers

§17 All officers or boards of officers who shall employ any teacher to teach in any of the public schools of this state shall, at the time of such employment, make and deliver to such teacher, or cause to be made and delivered, a contract in writing, signed by said officer, or by the members of said board, or by some person duly authorized by said board, to represent them in the premises, in which the detail of the agreement between the parties, and particularly the length of the term of employment, the amount of compensation and the time or times when such compensation shall be due and payable shall be clearly and definitely set forth. But Contracts to be delivered to teachers nothing herein contained shall be deemed to abridge or otherwise affect the term of employment of any teacher now or hereafter employed in the public schools, nor to repeal or affect any provision of special laws concerning the employment or removal of teachers now in force in any particular locality. Proviso

§18 The pay of any teacher employed in the public schools of this state shall be due and payable at least as often as at the end of each calendar month of the term of employment. Pay of teachers, when due

ARTICLE 6

Physiology and hygiene in the public schools

§19 The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in connection with the various divisions of physiology and hygiene, as thoroughly as are other branches in all schools under state control or Provisions for instruction of pupils

¹As amended by section 2, chapter 265, laws of 1903.

²As amended by section 20, chapter 264, laws of 1896.

³As amended by section 1, chapter 901, laws of 1896.

TITLE 15

supported wholly or in part by public money of the state, and also in all schools connected with reformatory institutions. All pupils in the above mentioned schools below the second year of the high school and above the third year of school work computing from the beginning of the lowest primary, not kindergarten year, or in corresponding classes of ungraded schools, shall be taught and shall study this subject every year with suitable textbooks in the hands of all pupils, for not less than three lessons a week for 10 or more weeks, or the equivalent of the same in each year, and must pass satisfactory tests in this as in other studies, before promotion to the next succeeding year's work; except that where there are nine or more school years below the high school, the study may be omitted in all years above the eighth year and below the high school, by such pupils as have passed the required tests of the eighth year. In all schools above mentioned, all pupils in the lowest three primary, not kindergarten, school years or in corresponding classes in ungraded schools shall, each year, be instructed in this subject orally for not less than two lessons a week for 10 weeks, or the equivalent of the same in each year, by teachers using textbooks adapted for such oral instruction as a guide and standard, and such pupils must pass such tests in this as may be required in other studies before promotion to the next succeeding year's work. Nothing in this act shall be construed as prohibiting or requiring the teaching of this subject in kindergarten schools. The local school authorities shall provide needed facilities and definite time and place for this branch in the regular courses of study. The textbooks in the pupils' hands shall be graded to the capacities of fourth year, intermediate, grammar and high school pupils, or to corresponding classes in ungraded schools. For students below high school grade, such textbooks shall give at least one fifth their space, and for students of high school grade, shall give not less than 20 pages, to the nature and effects of alcoholic drinks and other narcotics. This subject must be treated in the textbooks in connection with the various divisions of physiology and hygiene, and pages on this subject in a separate chapter at the end of the book shall not be counted in determining the minimum. No textbook on physiology not conforming to this act shall be used in the public schools, except so long as may be necessary to fulfill the conditions of any legal adoption existing at the time of the passage of this act. All Regents examinations in physiology and hygiene shall include a due proportion of questions on the nature of alcoholic drinks and other narcotics, and their effects on the human system.

Minimum of
time

Oral instruc-
tion where
permissible

Duty of school
authorities

Textbook
requirements

¹§ 20 In all normal schools, teachers training classes and teachers institutes, adequate time and attention shall be given to instruction in the best methods of teaching this branch, and no teacher shall be licensed who has not passed a satisfactory examination in the subject, and the best methods of teaching it. On satisfactory evidence that any teacher has wilfully refused to teach this subject as provided in this act, the State Superintendent of Public Instruction shall revoke the license of such teacher. No public money of the state shall be apportioned by the State Superintendent of Public Instruction or paid for the benefit of any city until the superintendent of schools therein shall have filed with the treasurer or chamberlain of such city an affidavit and with the State Superintendent of Public Instruction a duplicate of such affidavit that he has made thorough investigation as to the facts, and that to the best of his knowledge, information and belief all the provisions of this act have been complied with in all the schools under his supervision in such city during the last preceding legal school year; nor shall any public money of the state be apportioned by the State Superintendent of Public Instruction or by school commissioners or paid for the benefit of any school district, until the president of the board of trustees, or in the case of common school districts the trustee or some one member of the board of trustees, shall have filed with the school commissioner having jurisdiction an affidavit that he has made thorough investigation as to the facts, and that to the best of his knowledge, information and belief, all the provisions of this act have been complied with in such district, which affidavit shall be included in the trustees' annual report, and it shall be the duty of every school commissioner to file with the State Superintendent of Public Instruction, an affidavit in connection with his annual report showing all districts in his jurisdiction that have and those that have not complied with all the provisions of this act, according to the best of his knowledge, information and belief, based on a thorough investigation by him as to the facts; nor shall any public money of the state be apportioned or paid for the benefit of any teachers training class, teachers institute or other school mentioned herein, until the officer having jurisdiction or supervision thereof shall have filed with the State Superintendent of Public Instruction an affidavit that he has made a thorough investigation as to the facts, and that to the best of his knowledge, information and belief, all the provisions of this act relative thereto have been complied with. The principal of each normal school

Teachers to
pass examina-
tions

Penalty for
noncompliance

¹As amended by section 1, chapter 901, laws of 1896.

TITLE 15

in the state shall, at the close of each of their school years, file with the State Superintendent of Public Instruction an affidavit that all the provisions of this law, applicable thereto, have been complied with during the school year just terminated, and until such affidavit shall be filed no warrant shall be issued by the State Superintendent of Public Instruction for the payment by the Treasurer of any part of the money appropriated for such school. It shall be the duty of the State Superintendent of Public Instruction to provide blank forms of affidavit required herein for use by the local school officers, and he shall include in his annual report a statement showing every school, city, or district which has failed to comply with all the provisions of this act during the preceding school year. On complaint by appeal to the State Superintendent of Public Instruction by any patron of the schools mentioned in the last preceding section, or by any citizen, that any provision of this act has not been complied with in any city or district, the State Superintendent of Public Instruction shall make immediate investigation, and on satisfactory evidence of the truth of such complaint, shall thereupon and thereafter withhold all public money of the state to which such city or district would otherwise be entitled, until all the provisions of this act shall be complied with in said city or district, and shall exercise his power of reclamation and deduction under section 9 of article 1 of title 2 of the consolidated school law.

ARTICLE 7

Free instruction in drawing

§21 In each of the state normal schools the course of study shall embrace instruction in industrial or free-hand drawing. The board of education in each city in this state shall cause free instruction to be given in industrial or free-hand drawing in at least one department of the schools under their charge. The board of education of each union free school district shall cause free instruction to be given in industrial or free-hand drawing in the schools under their charge, unless excused therefrom by the Superintendent of Public Instruction.

§22 The board of education, or other body having supervision of the public schools in any city or union free school district in this state, is hereby authorized to establish and maintain evening schools for free instruction in industrial drawing, whenever the city authorities in any city or the qualified electors duly convened in any union free school district shall so direct, and shall make provision for the maintenance of such schools. In addition to the

Instruction in
industrial or
free-hand
drawing

Evening
schools for
free instruc-
tion in indus-
trial drawing

powers now conferred by law upon the authorities of any city, or upon the electors of any union free school district in the state, such authorities and such electors shall also have power, whenever they shall think it advisable, to raise such moneys as shall be necessary to carry out the purposes of this act.

ARTICLE 8

Vocal music in public schools

§23 In each of the state normal schools the course of study may embrace instruction in vocal music. The boards of education in each city, and in each union free school district incorporated under the laws of this state, may cause free instruction to be given in vocal music in the schools under their charge. The Superintendent of Public Instruction may provide instruction in vocal music in all teachers institutes held throughout the state.

ARTICLE 9

Free kindergartens

§24 The school authorities of any union free or common school district, located in any county having less than 1,000,000 inhabitants, may establish and maintain one or more free kindergarten schools. The moneys for the support of such school shall be raised in like manner as for the support of the other public schools of such district. No child under the age of 4 years shall be admitted to the schools, and the local school authorities are hereby empowered to fix the highest age limit of children who may attend. All teachers employed in these schools shall be licensed in accordance with rules and regulations established by the Superintendent of Public Instruction, and shall each share in the distribution of district quotas. The attendance of children under the age of 5 years who may be enrolled in the schools shall be reported separately and shall be counted in the distribution of public money.

ARTICLE 10

Industrial training in the public schools

§25 Boards or departments of education of cities and villages, and of union free schools and trustees of public school districts, are hereby authorized and empowered to establish and maintain a department or departments in the schools under their charge for industrial training and for teaching and illustrating the manual

¹As amended by section 21, chapter 246, laws of 1896.

TITLE 15

or industrial arts, and the principles underlying the same; and for that purpose they are respectively authorized to purchase and use such material and apparatus, and to establish and maintain such shops, and to employ such instructor or instructors, in addition to the other teachers in said schools, as in their judgment shall be deemed necessary or proper whenever the authorities or electors respectively now authorized by law to raise money by taxation for school purposes, shall make provision for the maintenance of such departments.

Purchase of material, employment of instructors, etc.

Tax for establishment and maintenance of department

§26 All authorities and electors, respectively, now authorized by law to levy and raise taxes for school purposes, are hereby authorized to levy and raise by taxation, in addition to any amount or amounts which they are now, respectively, in any city, village or district, authorized by law to raise for school purposes, and in the same manner, and at a regular or special meeting, the necessary funds to establish and maintain such industrial departments as aforesaid.

Industrial training in normal schools

§27 The state normal and training schools which are or hereafter may be established in this state, hereby are and shall be required to include in their courses of instruction the principles underlying the manual or industrial arts, and also the practical training in the same, to such an extent as the Superintendent of Public Instruction may prescribe, and to such further extent as the local boards, respectively, of said normal and training schools may prescribe.

ARTICLE 11

Schools for colored children

Colored schools in cities and villages

§28 The school authorities of any city or incorporated village, the schools of which are or shall be organized under title 8 of this act, or under special act, may, when they shall deem it expedient, establish a separate school or separate schools for the instruction of children and youth of African descent, resident therein, and over 5 and under 21 years of age; and such school or schools shall be supported in the same manner and to the same extent as the school or schools supported therein for white children, and they shall be subject to the same rules and regulations, and be furnished with facilities for instruction equal to those furnished to the white schools therein.

How supported, etc.

Separate schools in union districts

§29 The trustees of any union school district, or of any school district organized under a special act, may, when the inhabitants

¹Section 28 of article 11 repealed by section 2, chapter 492, laws of 1900. Such repeal to take effect Sep. 1, 1900. See p. 185.

of any district shall so determine, by resolution, at any annual meeting, or at a special meeting called for that purpose, establish a separate school or separate schools for the instruction of such colored children resident therein, and such schools shall be supported in the same manner and receive the same care, and be furnished with the same facilities for instruction, as the white schools therein.

§30 No person shall be employed to teach any of such schools who shall not, at the time of such employment, be legally qualified. Qualifications of teachers

§31 The colored schools in the city of New York, now existing and in operation, shall hereafter be classed and known and be continued as ward schools, and primaries, with their present teachers, unless such teachers are removed in the manner provided by law, and such schools shall be under the control and management of the school officers of the respective wards in which they are located in the same manner and to the same extent as other ward schools, and shall be open for the education of pupils for whom admission is sought, without regard to race or color. Colored schools in New York city
Control and management

ARTICLE 12

Orphan schools

§32 The schools of the several incorporated orphan asylum societies in this state, other than those in the city of New York, shall participate in the distribution of the school moneys, in the same manner and to the same extent, in proportion to the number of children educated therein, as the common schools in their respective cities or districts. The schools of said societies shall be subject to the rules and regulations of the common schools in such cities or districts, but shall remain under the immediate management and direction of the said societies as heretofore. Participation in distribution of public moneys
Rules and regulations

ARTICLE 13

Indian schools

§33 The Superintendent of Public Instruction shall be charged with providing the means of education for all the Indian children in the state. He shall cause to be ascertained the condition of the various bands in the state in respect to education; he shall establish schools in such places, and of such character and description as he shall deem necessary; he shall employ superintendents for such schools, and shall, with the concurrence of the Comptroller and Secretary of State, cause to be erected, where necessary, convenient buildings for their accommodation. Duty of Superintendent of Public Instruction

TITLE 15

Cooperation
of Indians

§34 In the discharge of the duties imposed by this act, the said Superintendent shall endeavor to secure the cooperation of all the several bands of Indians, and for this purpose, shall visit, by himself or his authorized representative, all the reservations where they reside, lay the matter before them in public assembly, inviting them to assist either by appropriating their public moneys to this object, or by setting apart lands and erecting suitable buildings, or by furnishing labor or materials for such buildings, or in any other way which he or they may suggest as most effectual for the promotion of this object.

Protection of
Indian title
to lands

§35 In any contract which may be entered into with said Indians, for the use or occupancy of any land for school grounds, sites or buildings, care shall be taken to protect the title of the Indians to their lands, and to reserve to the state the right to remove or otherwise dispose of all improvements made at the expense of the state.

Children
entitled to
draw money

§36 The Indian children in the state, between the ages of 4 and 21 years, shall be entitled to draw public money the same as white children. The Superintendent shall cause an annual enumeration of said Indian children to be made, and shall see that the public money, to which they are ratably entitled, is devoted exclusively to their education.

Enumeration
of children

Annual
appropriation

§37 To carry into effect the provisions of this title the Legislature shall annually appropriate the sum of \$6000 out of the revenues of the common school fund, to be paid by the Treasurer, on the warrant of the Comptroller, from time to time, to the order of the Superintendent of Public Instruction.

Vouchers and
receipts for
expenditures

§38 The Superintendent shall take and file in his office, vouchers and receipts for all the expenditures made under this act, subject to the inspection of the joint committee to examine the accounts of the auditor and treasurer; and shall annually report to the Legislature all his doings, by virtue of the authority vested in him; and for this purpose said Superintendent may require full and detailed reports in such form as he may prescribe, from those having the immediate supervision of any Indian schools in this state.

Report to
Legislature

Apportion-
ment of state
school moneys

§39 For the support of the Indian schools, already established and which may be established, the Superintendent of Public Instruction, in his annual general apportionment of the state school moneys appropriated for the support of common schools, shall make an equitable apportionment, as provided by section 5 of title 2 of this act; and the moneys which shall be thus apportioned shall be paid out of the treasury upon the warrant of the Superintendent, countersigned by the Comptroller.

ARTICLE 14

Deaf and dumb and blind institutions

§40 All the institutions for the instruction of the deaf and dumb, and blind, and all other similar institutions, incorporated under the laws of the state, or that may be hereafter incorporated, shall be subject to the visitation of the Superintendent of Public Instruction, and it shall be his duty:

Visitation of institutions by Superintendent of Public Instruction

1 To inquire, from time to time, into the expenditures of each institution, and the systems of instruction pursued therein, respectively.

Duties of Superintendent

2 To visit and inspect, or cause to be visited and inspected, the schools belonging thereto, and the lodgings and accommodations of the pupils.

3 To ascertain by a comparison with other similar institutions, whether any improvements in instruction and discipline can be made; and for that purpose to appoint, from time to time, suitable persons to visit the schools.

4 To suggest to the directors of such institutions and to the Legislature such improvements as he shall judge expedient.

5 To make an annual report to the Legislature on all the matters before enumerated, and particularly as to the condition of the schools, the improvement of the pupils, and their treatment in respect to board and lodging.

Annual report to Legislature

§41 All deaf and dumb persons resident in this state and upwards of 12 years of age, who shall have been resident in this state for one year immediately preceding the application, or, if a minor, whose parent or parents, or, if an orphan, whose nearest friend shall have been resident in this state for one year immediately preceding the application, shall be eligible to appointments as state pupils in one of the deaf and dumb institutions of this state, authorized by law to receive such pupils; and all blind persons of suitable age and similar qualifications shall be eligible to appointment to the institution for the blind in the city of New York, or in the village of Batavia, as follows: All such as are residents of the counties of New York, Kings, Queens, Suffolk, Nassau, Richmond, Westchester, Putnam and Rockland, shall be sent to the institution for the blind in the city of New York. Those who reside in other counties of the state shall be sent to the institution for the blind in the village of Batavia. All such appointments, with the exception of those to the institution for the blind in the village of Ba-

¹As amended by chapter 62, laws of 1903.

TITLE 15

tavia, shall be made by the Superintendent of Public Instruction, upon application, and in those cases in which, in his opinion, the parents or guardians of the applicants are able to bear a portion of the expense, he may impose conditions whereby some proportionate share of expense of educating and clothing such pupils shall be paid by their parents, guardians or friends in such manner and at such times as the Superintendent shall designate, which conditions he may modify from time to time, if he shall deem it expedient to do so.

State pupils,
support of, etc.

§42 Each pupil so received into either of the institutions aforesaid shall be provided with board, lodging and tuition; and the directors of the institution shall receive for each pupil so provided for, the sum of _____ per annum, in quarterly payments, to be paid by the Treasurer of the State, on the warrant of the Comptroller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, and which bill shall be signed by the president and secretary of the institution, and verified by their oaths. The regular term of instruction for such pupils shall be five years; but the Superintendent of Public Instruction may, in his discretion, extend the term of any pupil for a period not exceeding three years. The pupils provided for in this and the preceding section of this title shall be designated state pupils; and all the existing provisions of law applicable to state pupils now in said institutions shall apply to pupils herein provided for.

Term of
instruction

Regulations as
to admission
of pupils

§43 The Superintendent of Public Instruction may make such regulations and give such directions to parents and guardians, in relation to the admission of pupils into either of the above named institutions, as will prevent pupils entering the same at irregular periods.

§43a The supervisors of any county in this state from which county state pupils may be hereafter appointed to any institution for the instruction of the deaf and dumb, whose parents or guardians are unable to furnish them with suitable clothing, are hereby authorized and required to raise in each year for this purpose for each such pupil from said county, the sum of \$30.

ARTICLE 15

Arbor day

§44 The Friday following the first day of May in each year shall be known throughout this state as arbor day.

Arbor day

§45 It shall be the duty of the authorities of every public school in this state to assemble the scholars in their charge on that day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of the city superintendent or the school commissioner, or other chief officers having the general oversight of the public schools in each city or district, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

Duty of school authorities

§46 The State Superintendent of Public Instruction shall have power to prescribe from time to time a course of exercises and instruction in the subjects hereinbefore mentioned, which shall be adopted and observed by the public school authorities on arbor day, and upon receipt of copies of such course, sufficient in number to supply all the schools under their supervision, the school commissioner or city superintendent aforesaid shall promptly provide each of the schools under his or their charge with a copy, and cause it to be observed.

Course of exercise and instruction

Distribution of copies

§47 The Legislature shall annually make an appropriation for carrying out the provisions of this act, upon the recommendation of the Superintendent of Public Instruction.

Annual appropriation

ARTICLE 16

Miscellaneous

§48 The Superintendent of Public Instruction, so soon as may be after the passage of this act, shall cause to be prepared under his supervision and to be printed, an edition of this statute, with brief annotations embodying such of the decisions of the courts of the state, and of the superintendents of public instruction as are applicable thereto, and such comments, explanations and instructions as he shall deem necessary or expedient, and to furnish to each of the school districts of the state one copy thereof, and the same shall be deposited with the trustee or trustees, and kept by him or them for the use of the inhabitants, as provided in article 3 of this title.

Distribution of school law

§49 All provisions of law repugnant to or inconsistent with the provisions of this act are hereby repealed, saving always all rights of action vested under such prior provisions, and proceedings commenced for the assertion thereof; but nothing herein contained, unless it be so expressed, shall be construed, unless by inevitable

Saving clause

TITLE 15

implication, to revive any act or portion of an act heretofore repealed; nor to impair or in any manner affect or change any special law touching the schools or school system of any city or incorporated village of the state, unless the same is so stated in this act.

Laws repealed

§50 Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed. Such repeal shall not revive a law repealed by any law hereby repealed, but shall include all laws amendatory of the laws hereby repealed.

§51 Each school commissioner in respect to the territory within his district shall have the power, with the approval of the State Superintendent of Public Instruction, to set off by itself any neighborhood adjoining any other state of the Union, where it shall be found most convenient for the inhabitants to send their children to a school in such adjoining state, and to deliver to the town clerk of the town in which it lies, in whole or in part, a description of each such separate neighborhood. He shall also prepare a notice, describing such neighborhood, and appointing a time and place for the first neighborhood meeting, and deliver such notice to a taxable inhabitant of such neighborhood. It shall be the duty of such inhabitant to notify every other inhabitant of the neighborhood, qualified to vote at the meeting, by reading the notice in his hearing, or, in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least six days before the time of the meeting. In case such meeting shall not be held, and in the opinion of the commissioner it shall be necessary to hold such meeting before the time herein fixed for the first annual meeting, he shall deliver another such notice to a taxable inhabitant of the neighborhood, who shall serve it as hereinbefore provided.

Annual
meeting of
neighborhood

§52 The annual meeting of each neighborhood shall be held on the first Tuesday of August in each year, at the hour and place fixed by the last previous neighborhood meeting; or, if such hour and place has not been so fixed, then at the hour and place of such last meeting; or, if such place be no longer accessible, then at such other place as the trustee, or, if there be no trustee, the clerk, shall in the notices designate. The proceedings of no neighborhood meeting, annual or special, shall be held illegal for want of a due notice to all the persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent. The inhabitants of any neighborhood, entitled to vote, when assembled in any annual meeting or any special meeting called by

¹As amended by section 2, chapter 293, laws of 1897.

the commissioner as above provided, shall have power, by a majority vote of those present, to appoint a chairman for the time being, and to choose a neighborhood clerk and one trustee, and to fill vacancies in office. The provisions of sections 10, 11, 12 and 13 of article 1 of title 7 of this act, shall apply to and govern such meeting, so far as the same can in substance be applied to the proceedings; and the provisions of sections 22, 23, 24, 25, 27, 29, 30, 31 and 32 of title 7 of this act shall apply to and govern the officers of such neighborhood, so far as the same can in substance be applied thereto.

§53 The neighborhood clerk shall keep a record of the proceedings of his neighborhood, and of the reports of the trustees, and deliver the same to his successor. In case such neighborhood shall be annexed to a district within this state its records shall be filed in the office of the clerk of such district. The trustee shall, between the 25th day of July and the first day of August in every year, make his annual report to the school commissioner, and file it in the office of the clerk of the town of which the neighborhood is a part. Such report shall specify the whole amount of public moneys received during the year and from what public officer, and the manner in which it was expended; the whole number of such children as can be included in the district trustees' report residing in the neighborhood on the 30th day of June prior to the making of such report; and any other matters which the Superintendent of Public Instruction may require.

§54 The Superintendent of Public Instruction shall apportion to each separate neighborhood which shall have duly reported, such fixed sum as will, in his opinion, be equitably equivalent to its portion of all the state school moneys upon the basis of distribution established by this act; such sum to be payable out of the contingent fund hereinbefore established. The school commissioner or commissioners shall set apart and credit from the state and other school moneys apportioned to each separate neighborhood the amount apportioned to it by the State Superintendent. The amount so apportioned shall be set apart to the town in which such neighborhood is situated, and the commissioner or commissioners shall certify the same to the supervisor thereof; and the same shall be paid over to the supervisor for distribution by him as a part of the school moneys of the town in the manner provided by article 2 of title 2 of this act. It shall be the duty of such supervisor to disburse said moneys upon the order of the trustee of such

Record of proceedings by clerk

Report of Trustee

Apportionment by State Superintendent

¹As amended by section 2, chapter 293, laws of 1897.

TITLE 16

neighborhood in favor of any teacher of a school in an adjoining state, recognized by him and patronized by the inhabitants of such neighborhood; and to include a statement thereof in the account required by this act to be made by him of the school moneys received by him and the disbursement thereof.

TITLE XVI

Compulsory education law

§1 **Short title.** This chapter shall be known as the compulsory education law.

Definitions

§2 **Definitions.** When used in this act, the term school authorities means the trustees or board of education or corresponding officers, whether one or more, and by whatever name known, of a city, union free school district, common school district, or school district created by special law; the term persons in parental relation to a child, includes the parents, guardians or other persons, whether one or more, lawfully having the care, custody or control of such child. A child under 16 years of age required by the persons in parental relation to such a child, to attend upon lawful instruction at a school or elsewhere, upon which such child is entitled to attend, is lawfully required to attend such school. A child between 8 and 16 years of age, who is required by law to attend upon instruction, and is required by the persons in parental relation to such child, to attend upon lawful instruction at school or elsewhere, upon which such child is entitled to attend, is lawfully required to attend upon such instruction, and if not required by the persons in parental relation to such child to attend upon any instruction, is lawfully required to attend a public school.

Attendance
required

§3 **Required attendance upon instruction.** Every child between 8 and 16 years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least six common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at school, as follows: every such child between 14 and 16 years of age, not regularly and lawfully engaged in any useful employment or service, and every such child between 8 and 14 years of age, shall so attend upon instruction as many days annually, during the period between the first days of October and the following June, as the public school of the district or city in which such child resides, shall be in session during the same period.

¹As amended by section 1, chapter 606, laws of 1896, and by section 21, chapter 459, laws of 1903.

Every boy between 14 and 16 years of age, who is engaged in any useful employment or service in a city of the first class or a city of the second class and who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the Regents of the University of the State of New York or the certificate of the completion of an elementary school issued by the Department of Public Instruction, shall attend the public evening schools of such city, or other evening schools offering an equivalent course of instruction, for not less than six hours each week, for a period of not less than 16 weeks in each school year or calendar year. If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given to children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours of each day thereof as are required of children of like age at public schools; and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public school to children of like age. Occasional absences from such attendance, not amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practice of such public school.

§4 Duties of persons in parental relation to children. Every person in parental relation to a child between 8 and 16 years of age, in proper physical and mental condition to attend school, shall cause such child to so attend upon instruction, or shall present to the school authorities of his city or district proof by affidavit that he is unable to compel such child to so attend. A violation of this section shall be a misdemeanor, punishable for the first offense by a fine not exceeding \$5, and for each subsequent offense by a fine not exceeding \$50 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment. Courts of special sessions and police magistrates shall, subject to removal as provided in sections 57 and 58 of the Code of Criminal Procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions.

Duties of
persons in
parental
relations

¹As amended by section 2, chapter 606, laws of 1896, and by section 3, chapter 459, laws of 1903.

TITLE 16

Unlawful
employment
of children

§5 Persons employing children unlawfully to be fined. It shall be unlawful for any person, firm or corporation to employ any child under 14 years of age, in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session; or to employ any child between 14 and 16 years of age who does not, at the time of such employment, present a certificate signed by the superintendent of schools or by the principal or the principal teacher of the city or district in which the child resides or by the principal or the principal teacher of the school where the child has attended or is attending, or by such other officer as the school authorities may designate, certifying that such child during the 12 months next preceding his 14th birthday or during the 12 months next preceding his application for such certificate, has attended for not less than 130 days the public schools, or schools having an elementary course equivalent thereto, in such city or district, and that such child can read and write easy English prose and is familiar with the fundamental operations of arithmetic; or to employ, in a city of the first class or a city of the second class, any child between 14 and 16 years of age who has not completed such course of study as the public elementary schools of such city require for graduation from such schools and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the Regents of the University of the State of New York or the certificate of the completion of an elementary school issued by the Department of Public Instruction unless the employer of such child, if a boy, shall keep and shall display in the place where such child is employed and shall show whenever so requested by any attendance officer, factory inspector, or representative of the police department, a certificate signed by the school authorities or such school officers in said city as said school authorities shall designate, which school authorities, or officers designated by them, are hereby required to issue such certificates to those entitled to them not less frequently than once in each month during which said evening school is in session and at the close of the session of said evening school, stating that said child has been in attendance upon said evening school for not less than six hours each week for such number of weeks as will, when taken in connection with the number of weeks such evening school will be in session during the

¹As amended by section 4, chapter 459, laws of 1903, and section 1, chapter 280, laws of 1905

remainder of the current or calendar year, make up a total attendance on the part of said child in said evening school of not less than six hours per week for a period of not less than 16 weeks, and any person who shall employ any child contrary to the provisions of this section or who shall fail to keep and display certificates as to the attendance of employees in evening schools when such attendance is required by law shall, for each offense, forfeit and pay to the treasurer of the city or village, or to the supervisor of the town in which such child resides, a penalty of \$50, the same, when paid, to be added to the public school moneys of the city, village or district in which such child resides.

§6 Teachers records of attendance. An accurate record of the attendance of all children between 8 and 16 years of age shall be kept by the teacher of every school, showing each day by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction any such child shall attend elsewhere than at school, shall keep a like record of such attendance. Such records shall, at all times, be open to the attendance officers or other persons duly authorized by the school authorities of the city or district, who may inspect or copy the same; and every such teacher shall fully answer all inquiries lawfully made by such authorities, inspectors or other persons, and a wilful neglect or refusal so to answer any such inquiry shall be a misdemeanor.

§7 Attendance officers. The school authorities of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village, shall appoint and may remove at pleasure one or more attendance officers of such city or district, and shall fix their compensation and may prescribe their duties not inconsistent with this act, and make rules and regulations for the performance thereof; and the superintendent of schools shall supervise the enforcement of this act within such city or school district; and the town board of each town shall appoint, subject to the written approval of the school commissioner of the district, one or more attendance officers, whose jurisdiction shall extend over all school districts in said town, and which are not by this section otherwise provided for, and shall fix their compensation, which shall be a town charge; and such attendance officers, appointed by said board, shall be removable at the pleasure of the school commissioner in whose commissioner's district such town is situated.

¹As amended by section 3, chapter 606 laws of 1896, and section 2, chapter 280, laws of 1905.

§8 Arrest of truants. The attendance officer may arrest without warrant any child between 8 and 16 years of age found from his home, and who then is a truant from instruction upon which he is lawfully required to attend within the city or district of such attendance officer. He shall forthwith deliver the child so arrested either to the custody of a person in parental relation to the child, or of a teacher from whom such child is then a truant, or, in case of habitual and incorrigible truants, shall bring them before a police magistrate for commitment by him to a truant school as provided for in the next section. The attendance officer shall promptly report such arrest, and the disposition made by him of such child to the school authorities of the said city, village or district where such child is lawfully required to attend upon instruction or to such person as they may direct. A truant officer in the performance of his duties may enter, during business hours, any factory, mercantile or other establishment within the city or school district in which he is appointed and shall be entitled to examine employment certificates or registry of children employed therein on demand. Any person interfering with an attendance officer in the lawful discharge of his duties and any person owning or operating a factory, mercantile or other establishment who shall refuse on demand to exhibit to such attendance officer the registry of children employed or the employment certificate of such children shall be guilty of a misdemeanor.

§9 Truant schools. The school authorities of any city or school district may establish schools, or set apart separate rooms in public school buildings, for children between 8 and 16 years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a truant school; but no person convicted of crimes or misdemeanors, other than truancy, shall be committed thereto. Such authorities may provide for the confinement, maintenance and instruction of such children in such schools; and they, or the superintendent of schools in any city or school district, may, after reasonable notice to such child and the persons in parental relation to such child, and an opportunity for them to be heard, and with the consent in writing of the persons in parental relation to such

¹As amended by section 4, chapter 606, laws of 1896, and section 1, chapter 311, laws of 1905.

²As amended by section 5, chapter 606, laws of 1896, section 8, chapter 459, laws of 1903, and section 3, chapter 280, laws of 1905.

child, order such child to attend such school, or to be confined and maintained therein, under such rules and regulations as such authorities may prescribe, for a period not exceeding two years; but in no case shall a child be so confined after he is 16 years of age. Such authorities may order such a child to be confined and maintained during such period in any private school, orphans home or similar institution controlled by persons of the same religious faith as the persons in parental relation to such child, and which is willing and able to receive, confine and maintain such child, upon such terms as to compensation as may be agreed upon between such authorities and such private school, orphans home or similar institution. If the persons in parental relation to such child shall not consent to either such order, such conduct of the child shall be deemed disorderly conduct, and the child may be proceeded against as a disorderly person, and upon conviction thereof, if the child was lawfully required to attend a public school, the child shall be sentenced to be confined and maintained in such truant school for a period not exceeding two years; or if such child was lawfully required to attend upon instruction otherwise than at a public school, the child may be sentenced to be confined and maintained for a period not exceeding two years in such private school, orphans home or other similar institution, if there be one, controlled by persons of the same religious faith as the persons in parental relation to such child, which is willing and able to receive, confine and maintain such child for a reasonable compensation. Such confinement shall be conducted with a view to the improvement and to the restoration, as soon as practicable, of such child to the institution elsewhere, upon which he may be lawfully required to attend. The authorities committing any such child, and in cities and villages the superintendent of schools therein, shall have authority, in their discretion, to parole at any time any truant so committed by them. Every child suspended from attendance upon instruction by the authorities in charge of furnishing such instruction, for more than one week, shall be required to attend such truant school during the period of such suspension. The school authorities of any city or school district, not having a truant school, may contract with any other city or district having a truant school, for the confinement, maintenance and instruction therein of children whom such school authorities might require to attend a truant school, if there were one in their own city or district. Industrial training shall be furnished in every such truant school. The expense attending the commit-

TITLE 16

Withholding
funds

ment and cost of maintenance of any truant residing in any city, village or district, employing a superintendent of schools shall be a charge against such city, village or district, and in all other cases shall be a county charge.

§10 Withholding the state moneys by Commissioner of Education. The Commissioner of Education may withhold one half of all public school moneys from any city or district, which, in his judgment, wilfully omits and refuses to enforce the provisions of this act, after due notice, so often and so long as such wilful omission and refusal shall, in his judgment continue. If the provisions of this act are complied with at any time within one year from the date on which said moneys were withheld, the moneys so withheld shall be paid over by said Commissioner of Education to such district or city, otherwise forfeited to the state. The said Commissioner of Education is hereby authorized and empowered to employ such assistants as he may deem necessary to properly carry this act into effect. He may remove such assistants from time to time and appoint their successors. He shall fix their salaries and under his direction such assistants shall investigate the extent to which this act is complied with in the cities and school districts of the state, and make such reports, and perform such other duties as the said Commissioner shall determine. Such assistants shall be paid, in addition to their salaries, their necessary traveling and other expenses incurred in the discharge of their official duties, to be audited by the Commissioner of Education.

§11 Chapter 421 of the laws of 1874 is hereby repealed.

§12 This act shall take effect Jan. 1, 1895.

§13 This chapter shall be known as title 16 of the "Consolidated school law."

[Chapter 988, laws of 1895, signed June 11, 1895, chapter 606, laws of 1896, signed May 13, 1896, chapter 459, laws of 1903, signed May 7, 1903, chapter 280, laws of 1905, signed Ap. 22, 1905, and chapter 311, laws of 1905, signed Ap. 22, 1905, each took effect immediately.]

Schedule of laws repealed

Laws of	Chapter	Section.
1850.....	261.....	All
1856.....	71.....	All
1856.....	179.....	All

¹As amended by section 1, chapter 988, laws of 1895, and section 4, chapter 280, laws of 1905.

²As amended by chapter 606, laws of 1896.

Schedule of laws repealed (*continued*)

Laws of	Chapter	Section
1864	555	All
1865	585	Section 9
1865	647	All
1866	78	All
1866	800	All
1867	84	All
1867	406	All
1867	819	All
1871	329	All
1871	359	All
1871	746	All
1874	421	All
1874	514	All
1875	322	All
1875	567	All
1877	161	All
1877	219	All
1877	413	All
1878	173	All
1878	174	All
1878	248	All
1879	134	All
1879	264	All
1879	396	All
1879	405	All
1880	9	All
1880	27	All
1880	210	All
1880	527	All
1881	402	All
1881	528	All
1881	632	All
1882	115	All
1882	381	All
1883	75	All
1883	172	All
1883	250	All
1883	294	All
1883	414	All

Schedule of laws repealed (*continued*)

Laws of	Chapter	Section
1884.....	30.....	All
1884.....	49.....	All
1884.....	89.....	All
1884.....	179.....	All
1884.....	248.....	All
1884.....	413.....	All
1885.....	340.....	All, except § 12
1886.....	199.....	All
1886.....	292.....	All
1886.....	591.....	All
1886.....	595.....	All
1886.....	615.....	All
1886.....	655.....	All
1887.....	291.....	All
1887.....	333.....	All
1887.....	334.....	All
1887.....	335.....	All
1887.....	538.....	All
1887.....	540.....	All
1887.....	592.....	All
1887.....	672.....	All
1888.....	27.....	All
1888.....	196.....	All
1888.....	209.....	All
1888.....	331.....	All
1888.....	334.....	All
1888.....	533.....	All
1889.....	90.....	All
1889.....	245.....	All
1889.....	328.....	All
1889.....	333.....	All
1890.....	73.....	All
1890.....	74.....	All
1890.....	170.....	All
1890.....	175.....	All
1890.....	431.....	All
1890.....	524.....	All
1890.....	526.....	All
1890.....	534.....	All

Schedule of laws repealed (*concluded*)

Laws of	Chapter	Section
1890.....	548.....	All
1892.....	573.....	All, except § 9, 10, 11 and 12
1893.....	484.....	All
1893.....	485.....	All
1893.....	500.....	All
1893.....	636.....	All
1894.....	127.....	All
1894.....	229.....	All

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THE RULES OF PRACTICE

RELATING TO

APPEALS TO THE COMMISSIONER OF EDUCATION

APPEALS—RULES OF PRACTICE

Pursuant to the authority conferred by the laws of 1894, chapter 556, title 14, section 2, the Commissioner of Education has established the following amended rules to regulate the practice in appeals:

1 An appeal must be in writing, addressed "To the Commissioner of Education," stating the grounds upon which it is taken, and signed by the appellant or appellants. The appeal must be verified by the oath of the appellant or appellants. When the appeal is made by the trustees of a district, it must be signed by all the trustees, or a reason must be given for the omission of any, verified by the oath of the appellant or of some person acquainted with such reason.

2 A copy of the appeal, and of all the statements, maps and papers intended to be presented in support of it, with the affidavit in verification of the same, must be served on the officer or officers whose act or decision is complained of, or some of them; or if it be from the decision or proceeding of a district meeting, upon the district clerk or one of the trustees, whose duty it is to cause information of such appeal to be given to the inhabitants who voted for the decision.

3 Such service must be made by delivering a copy of the appeal to the party to be served personally, or, in case he can not be found in the commissioner district in which he resides, after due diligence, by delivering and leaving the same at his residence, with some person of suitable age and discretion, between 6 o'clock in the morning and 9 o'clock in the evening.

4 Immediately after the service of such copy the original, together with an affidavit proving the service of a copy thereof and stating the time and manner of the service and the name and official character of the person upon whom such service was made, must be transmitted to the Education Department at Albany.

5 Such original appeal and all papers, etc., annexed thereto, with proof of service of copies, as required by rules 3 and 4, must be sent to the Education Department within 30 days after the making of the decision or the performance of the act complained of or within that time after the knowledge of the cause of complaint came to the appellant, or some satisfactory excuse must be rendered in the appeal for the delay. If an answer is received to

an appeal which has not been transmitted to the Department, such appeal will be dismissed.

6 The party upon whom an appeal shall be served must, within 10 days from the time of such service, unless further time be given by the Commissioner of Education, on application, answer the same, either by concurring in a statement of facts with the appellant or by a separate answer, and of all affidavits, papers, maps, etc., in support thereof. Such statement and answer must be signed by all the trustees or other officers whose act, omission or decision is appealed from, or a good reason, on oath, must be given for the omission of the signature of any of them. Such answer must be verified by oath and a copy thereof and of all the statements, maps, papers, etc., intended to be presented in support thereof, served on the appellants or some one of them, in like manner as is provided in rule 3 for the service of a copy of an appeal.

7 Immediately after the service of a copy of such answer and the statements, papers, etc., presented in support thereof, the original answer and papers, etc., together with an affidavit of the service of such copy and stating the time and manner of the service and the name and official character of the person upon whom such service was made, as hereinbefore provided for the service of a copy of an appeal, must be transmitted to the Education Department at Albany.

8 No reply, replication or rejoinder shall be allowed, except by permission of the Commissioner of Education; in which case, such reply, replication and rejoinder must be duly verified by oath, and copies thereof served on the opposite party. Immediately after the service of such copy, the original, together with an affidavit of such service, and stating the time and manner of the service, and the name and official character of the person upon whom such service was made, must be transmitted to the Education Department at Albany.

9 So far as the parties concur in a statement, no oath will be required to it. But all facts, maps, or papers, not agreed upon by them and evidenced by their signature on both sides, must be verified by oath.

10 When any proceeding of a district meeting is appealed from, and when the inhabitants of a district generally are interested in the matter of the appeal, and in all cases where an inhabitant might be an appellant had the decision or proceeding been the opposite of that which was made or had, any one or more of such inhabitants may answer the appeal, with or without the trustees,

11 Where the appeal has relation to the alteration or formation of a school district, it must be accompanied by a map, exhibiting the site of the schoolhouse, the roads, the old and new lines of districts, the different lots, the particular location and distance from the schoolhouses of the persons aggrieved, and their relative distance, if there are two or more schoolhouses in question. Also, a list of all the taxable inhabitants in the district or territory to be affected by the question, showing in separate columns the valuation of their property taken from the last assessment roll, and the number of children between 5 and 21 belonging to each person, distinguishing the districts to which they respectively belong.

12 An appeal, of itself, does not stay proceedings. If the party desires such stay he should apply for it by petition, stating the facts upon which such stay should be made, duly verified. The Commissioner of Education will grant a stay, or not, as in his judgment it may be proper, or may subserve the interests of either party or the public, and may direct a copy of the petition to be served on the opposite party, and a hearing on both sides before deciding upon the application.

13 The affidavit of verification, required by these rules to an appeal, answer, reply, replication and rejoinder, must be to the effect, that the same is true to the knowledge of the affiant, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

14 All oaths required by these rules may be taken before any person authorized to take affidavits.

15 All appeals and other papers therein must be fairly and legibly written; and if not so written, may, in the discretion of the Commissioner of Education, be returned to the parties.

16 When any party, appellant or respondent, is not represented on the appeal by an attorney, the name of such party, with the names of the district, town and county and his postoffice address must be indorsed upon each paper of the party so represented, filed in the Department on such appeal; and, when represented by an attorney, the name of such attorney, with the name of the district, town and county affected and his postoffice address, must be so indorsed upon each paper of the party so represented, filed in the Department on such appeal.

17 Submission of appeals may be made upon the papers filed therein, with or without oral argument, or the filing of briefs, as the Commissioner of Education, upon application, may determine.

18 The decision of the Commissioner of Education in every case will contain the order, or directions, necessary and proper for giving effect to his decisions.

19 A decision upon an appeal will be forwarded by the Commissioner of Education to the clerk of the school district in which the appeal arose, or to the town clerk of the town, when the appeal relates to the alteration of a district in which the order appealed from is filed, whose duty it will be to file the same in his office as a public record.

20 The Commissioner of Education will, in his discretion, in the determination of an appeal, take into consideration any official records or reports on file in the Education Department and relating to the issues involved in such appeal.

PRACTICE ON APPLICATION FOR REMOVAL OF SCHOOL OFFICERS

Under consolidated school law of 1894, title 1, § 13

For wilful violation or neglect of duty

The proceedings are generally termed appeals asking for the removal of the officer against whom the charges are made.

The applicant should prepare a petition addressed, "To the Commissioner of Education," in which, after distinctly stating the *charge* should proceed with a specification of the facts by which it is established, which must be set forth with such certainty as to time, place, etc., as to furnish the officer with precise information as to what he is expected to meet, and enable him to look for repelling testimony. The charges must not only be distinctly alleged, but they must be specifically proved. After being verified, a copy of the petition, and of all affidavits in support thereof, including the affidavits of verification thereto, must be served upon the officer whose removal is sought, together with a notice of the application, which may be substantially in the following words:

SIR: Take notice that the petition and affidavits, with copies of which you are herewith served, will be presented to the Commissioner of Education at Albany, and application thereon made for your removal from the office of ... of district no. ... town of ... in ... county; and that you are required to transmit your answer to such application, duly verified, to the Education Department within 10 days after the service hereof, or the charges contained in such affidavits will be deemed to be admitted by you.

A..... B.....

[Postoffice address].....

A copy of this notice, together with an affidavit proving the service thereof, and of the petition and affidavits therein referred to, and the date and manner of such service, must be transmitted, with the original petition and affidavits, to the Education Department. The officer can not be prejudiced by any statement which he has not been called upon to answer. The officer must transmit his sworn answer, together with the affidavits of other persons, if he deems them necessary, with proof of service of copies thereof upon the petitioner, to the Education Department within 10 days. If, for any reason, as the absence of material witnesses, he is unable to complete his defense in that time, he should, before its expiration, transmit his own answer, duly verified, with a statement, under oath, of the facts which render it necessary that the time to procure further evidence should be extended, and stating the earliest day at which he expects to be able to obtain such evidence. If a probable defense appears from his answer, and the application for further time is reasonable, an order will be made granting it.

If no answer is made by the officer to the petition, etc., the allegations contained in said petition, etc., will be considered admitted and if a case is thus established against the officer, the Commissioner of Education will at once remove him. If an answer is interposed, the question will be decided by the Commissioner of Education after an examination of the facts as presented by the papers upon both sides.

For wilfully disobeying any decision, order or regulation of the Commissioner of Education

The practice and procedure in cases of the wilful disobedience of any order, decision, or regulation of the Commissioner of Education should be like that above stated of wilful violation or neglect of duty, excepting that upon the filing of the petition, etc., with proof of service of a copy thereof upon the officer and in the Education Department, or upon his own motion, the Commissioner of Education will issue an order directing the officer to show cause before him on or before a certain day fixed in the order, why he should not be removed from office. If no answer is made to said order, the allegations contained in the moving papers will be deemed to be admitted and if a case is thus established against the officer, the Commissioner of Education will at once remove him. If an answer is interposed, the question will be decided by

the Commissioner of Education after an examination of the facts as presented by both sides.

NOTE

In the papers filed in the Department upon an appeal, the Commissioner wants facts, not arguments or inferences, much less injurious imputations on the motives of parties. The facts should be distinctly averred, so that an indictment for perjury would lie if they are wilfully misstated. Therefore, they should not be stated by way of recital under a "whereas" or in any similar indirect way. Every material fact should be stated with all practicable particularity as to time, quantities, numbers etc. Where a statement is ambiguous or doubtful in meaning that construction is adopted which is most unfavorable to the party making it.

The appellant must establish his appeal by a preponderance of proof, and should make out his own case, so that if no answer is put in, the Commissioner of Education will have, *in the appeal itself*, all the facts to inform him what order ought to be made. The record itself must contain enough to support the decision.

In the bringing and answering of appeals it is recommended that the matters be written upon paper ruled as paper is ruled for legal pleadings. Such paper is kept by all stationers and booksellers, and is known as law paper or *legal cap*. The several sheets should be written, as lawyers write their papers, on both sides, so that the bottom of the first page is the top of the second, and the sheets are fastened or attached at the ends and not at the sides. Manuscript arranged in this fashion is more easily handled, folded and filed. The paper should be smoothly folded and indorsed with the title of the case, briefly stating the substance of the appeal or answer, with the names of the parties or attorneys and their postoffice addresses and the district, town and county affected.

GENERAL LAWS AND SPECIAL ACTS RELATING TO SCHOOL ADMINISTRATION

The following provisions of the general laws of the state and of special acts, relating to schools and the duties of school officers, do not properly form a part of the consolidated school law, but a knowledge of them is important and necessary on the part of school district officers.

Vaccination of school children

CHAPTER 661

An act in relation to the public health, constituting chapter 25 of the general laws

Passed May 9, 1893

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER XXV OF THE GENERAL LAWS

The public health law

§200 No child or person not vaccinated shall be admitted or received into any of the public schools of the state, and the trustees or other officers having the charge, management or control of such schools shall cause this provision of law to be enforced. They may adopt a resolution excluding such children and persons not vaccinated from such school until vaccinated, and when any such resolution has been adopted, they shall give at least 10 days' notice thereof, by posting copies of the same in at least two public and conspicuous places within the limits of the school government, and shall announce therein that due provision has been made, specifying it, for the vaccination of any child or person of suitable age desiring to attend the school, and whose parents or guardians are unable to procure vaccination for them, or who are, by reason of poverty, exempted from taxation in such district.

§201 Such trustees or board may appoint a competent physician and fix his compensation, who shall ascertain the number of children or persons in a school district, or in a subdivision of a city school government, of suitable age to attend the common schools, who have not been vaccinated and furnish such trustees or board a list of their names. Every such physician shall provide himself with good and reliable vaccine virus with which to vaccinate such children or persons¹ such trustees or board shall direct, and give certificates of vaccination when required, which shall be evidence

¹So in the original.

that the child or person to whom given has been vaccinated. The expenses incurred in carrying into effect the provisions of this and the preceding section, shall be deemed a part of the expense of maintaining such school, and shall be levied and collected in the same manner as other school expenses. The trustees of the several school districts of the state shall include in their annual report the number of vaccinated and unvaccinated children of school age in their respective districts.

Assessment and taxation—Land in forest preserve

CHAPTER 395

An act to amend the game law and to repeal chapter 332 of the laws of 1893, entitled "An act in relation to the forest preserve and Adirondack park, constituting articles 6 and 7 of chapter 43 of the general laws"

Passed April 25, 1895

§270 The forest preserve shall include the lands owned or hereafter acquired by the state within the counties of Clinton, except the towns of Altona and Dannemora, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, Saratoga, St Lawrence, Warren, Washington, Greene, Ulster and Sullivan, except

- 1 Lands within the limits of any village or city and
- 2 Lands, not wild lands, acquired by the state on foreclosure of mortgages made to the commissioners for loaning certain moneys of the United States, usually called the United States deposit fund.

CHAPTER 908

An act in relation to taxation, constituting chapter 24 of the general laws

Took effect June 15, 1896

ARTICLE 1

§4 Exemption from taxation. The following property shall be exempt from taxation:

- 1 Property of the United States.
- 2 Property of this state other than its wild or forest lands in the forest preserve.

ARTICLE 2

§22 Assessment of state lands in forest preserve. All wild or forest lands within the forest preserve shall be assessed and taxed at a like valuation and rate as similar lands of individuals within

the counties where situated. On or before Aug. 1 in every year the assessors of the town within which the lands so belonging to the state are situated shall file in the office of the Comptroller and of the Board of Fisheries, Game and Forest, a copy of the assessment roll of the town, which, in addition to the other matter now required by law, shall state and specify which and how much, if any, of the lands assessed are forest lands, and which and how much, if any, are lands belonging to the state; such statements and specifications to be verified by the oaths of a majority of the assessors. The Comptroller shall thereupon and before the 1st day of September following, and after hearing the assessors and Board of Fisheries, Game and Forest, if they or any of them so desire, correct or reduce any assessment of state lands which may be in his judgment an unfair proportion to the remaining assessment of land within the town, and shall in other respects approve the assessment and communicate such approval to the assessors. No such assessment of state lands shall be valid for any purpose until the amount of assessment is approved by the Comptroller, and such approval attached to and deposited with the assessment roll of the town, and therewith delivered by the assessors of the town to the supervisor thereof or other officer authorized to receive the same from the assessors. No tax for the erection of a schoolhouse or opening of a road shall be imposed on the state lands unless such erection or opening shall have been first approved in writing by the Board of Fisheries, Game and Forest.

ARTICLE 4

§80 **Payment of taxes on state lands in forest preserve.** The Treasurer of the state, upon the certificate of the Comptroller as to the correct amount of such tax, shall pay the tax levied upon state lands in the forest preserve by crediting to the treasurer of the county in which such lands may be situated, such taxes, upon the amount payable by such county treasurer to the state for state tax. No fees shall be allowed by the Comptroller to the county treasurer for such portion of the state tax as is so paid.

Banks, banking associations and individual bankers**CHAPTER 908**

An act in relation to taxation, constituting chapter 24 of the general laws

Took effect June 15, 1896

ARTICLE 1*Place of taxation*

§13 Stockholders of bank taxable on shares. The stockholders of every bank or banking association organized under the authority of this state, or of the United States, shall be assessed and taxed on the value of their shares of stock therein; said shares shall be included in the valuation of the personal property of such stockholders in the assessment of taxes in the tax district where such bank or banking association is located, and not elsewhere, whether the said stockholders reside in said tax district or not.

§14 Place of taxation of individual bank capital. Every individual banker shall be taxable upon the amount of capital invested in his banking business in the tax district where the place of such business is located and shall, for that purpose, be deemed a resident of such tax district.

ARTICLE 2*Mode of assessment*

§23 **Banks to make report.** The chief fiscal officer of every bank or banking association organized under the authority of this state or of the United States, shall, on or before the 1st day of July, furnish the assessors of the tax district in which its principal office is located, and also the State Board of Tax Commissioners, a statement, under oath, of the condition of such bank or banking association, on the 1st day of June next preceding, stating the amount of its authorized capital stock, the number of shares and the par value of the shares thereof, the amount of stock paid in, the date and rate per centum of each dividend declared by it during the year, the capital employed by it during the year, the amount of its surplus, if any, the amount, value and location of its real estate, a complete list of the names and residences of its stockholders, and the number of shares held by each, and such other data, information or matters as may be prescribed by the State Board of Tax Commissioners, who shall furnish blanks upon which such reports shall be made, and prescribe the form of verification thereto, and such commissioners may, at any time, require a further and fuller report. In case of neglect or refusal on the part of any bank, cor-

poration or association to report, as herein prescribed, or to make other or further reports as may be required by the commissioners of taxes, such bank, corporation or association shall forfeit the sum of \$100 for each failure, and the additional sum of \$10 for each day such failure continues, and an action therefor shall be prosecuted by the State Board of Tax Commissioners. There shall, in addition to such report, be kept in the office of every such bank or banking association a full and correct list of the names and residences of all the stockholders therein, and of the number of shares held by each, and such list shall be subject to the inspection of the assessors and the Board of Commissioners of Taxes at all times. The list of stockholders furnished by such bank, corporation or association shall be deemed to contain the names of the owners of such shares as are set opposite them respectively, for the purposes of assessment and taxation.

¹§24 **Bank shares, how assessed.** In assessing the shares of stock of banks or banking associations organized under the authority of this state or the United States, the assessment and taxation shall not be at a greater rate than is made or assessed upon other moneyed capital in the hands of individual citizens of this state. The value of each share of stock of each bank and banking association, except such as are in liquidation, shall be ascertained and fixed by adding together the amount of the capital stock, surplus and undivided profits of such bank or banking association and by dividing the result by the number of outstanding shares of such bank or banking association. The value of each share of stock in each bank or banking association in liquidation shall be ascertained and fixed by dividing the actual assets of such bank or banking association by the number of outstanding shares of such bank or banking association. The rate of tax upon the shares of stock of banks and banking associations shall be one per centum upon the value thereof, as ascertained and fixed in the manner hereinbefore provided, and the owners of the stock of banks and banking associations shall be entitled to no deduction from the taxable value of their shares because of the personal indebtedness of such owners, or for any other reason whatsoever. Complaints in relation to the assessments of the shares of stock of banks and banking associations made under the provisions of this act shall be heard and determined as provided in article 2, section 36 of the tax law. The said tax shall be in lieu of all other taxes whatsoever for state, county or local purposes upon the said

¹As amended by chapter 267, laws of 1903.

shares of stock, and mortgages, judgments and other choses in action and personal property held or owned by banks or banking associations the value of which enters into the value of said shares of stock, shall also be exempt from all other state, county or local taxation. The tax herein imposed shall be levied in the following manner: the board of supervisors of the several counties shall, on or before the 15th day of December in each year, ascertain from an inspection of the assessment rolls in their respective counties, the number of shares of stock of banks and banking associations in each town, city, village, school and other tax district, in their several counties, respectively, in which such shares of stock are taxable, the names of the banks issuing the same, respectively, and the assessed value of such shares, as ascertained in the manner provided in this act and entered upon the said assessment rolls, and shall forthwith mail to the president or cashier of each of said banks or banking associations a statement setting forth the amount of its capital stock, surplus and undivided profits, the number of outstanding shares thereof, the value of each share of stock taxable in said county, as ascertained in the manner herein provided, and the aggregate amount of tax to be collected and paid by such bank and banking association, under the provisions of this act. A certified copy of each of said statements shall be sent to the county treasurer. It shall be the duty of every bank or banking association to collect the tax due upon its share of stock from the several owners of such shares and to pay the same to the treasurer of the county wherein said bank or banking association is located, and in the city of New York to the receiver of taxes thereof on or before the 31st day of December in said year; and any bank or banking association failing to pay the said tax as herein provided shall be liable by way of penalty for the gross amount of the taxes due from all owners of the shares of stock, and for an additional amount of \$100 for every day of delay in the payment of said tax. Every bank or banking association so paying the taxes due upon the shares of its stock shall have a lien on the shares of stock, and on all property of the several share owners in its hands, or which may at any time come into its hands, for reimbursement of the taxes so paid on account of the several shareholders, with legal interest; and such lien may be enforced in any appropriate manner. The tax hereby imposed shall be distributed in the following manner: the board of supervisors of the several counties shall ascertain the tax rate of each of the several town, city, village, school, and other tax districts in their counties respectively, in which the shares of

stock of banks and banking associations shall be taxable, which tax rates shall include the proportion of state and county taxes levied in such districts, respectively, for the year for which the tax is imposed, and the proportion of the tax on bank stock to which each of said districts shall be respectively entitled shall be ascertained by taking such proportion of the tax upon the shares of stock of banks and banking associations, taxable in such districts, respectively, under the provisions of this act as the tax rate of such district shall bear to the aggregate tax rates of all the tax districts in which said shares of stock shall be taxable. The clerk of the several cities, villages and school districts to which any portion of the tax on shares of stock of banks and banking associations is to be distributed under this act shall, in writing and under oath annually, report to the board of supervisors of their respective counties, during the first week of the annual session of such board, the tax rate of such city, village, and school district for the year prior to the meeting of each such board. The said board of supervisors shall issue their warrant or order to the county treasurer on or before the 15th day of December in each year, setting forth the number of shares of bank stock taxable in each town, city, village, school and other tax district in said county, in which said shares of stock shall be taxable, the tax rate of each of said tax districts for said year, the proportion of the tax imposed by this act to which each of said tax districts is entitled, under the provisions hereof, and commanding him to collect same, and to pay to the proper officer in each of such districts the proportion of such tax to which it is entitled under the provisions of this act. The said county treasurer shall have the same powers to enforce the collection and payment of said tax as are possessed by the officers now charged by law with the collection of taxes and the said county treasurer shall be entitled to a commission of 1 per centum for collecting and paying out said moneys, which commission shall be deducted from the gross amount of said tax before the same is distributed. In issuing their warrants to the collectors of taxes, the board of supervisors shall omit therefrom assessments of and taxes upon the shares of stock of banks and banking associations. All assessments of the shares of stock of banks and banking associations made on or after Jan. 1, 1901, and prior to the passage of this act, shall be null and void, and new assessments thereof shall be made agreeably to the provisions of this act. Provided, that in the city of New York, the statement of the bank assessment and tax herein provided for shall be made by the board of tax com-

missioners of said city, on or before the 15th day of December in each year, and by them forthwith mailed to the respective banks and banking associations located in said city, and a certified copy thereof sent to the receiver of taxes of said city. The tax shall be paid by the respective banks in said city, to the said receiver of taxes on or before the 31st day of December in said year, and said tax shall be collected by the said receiver of taxes and shall be by him paid into the treasury of said city to the credit of the general fund thereof. This act is not to be construed as an exemption of the real estate of banks or banking associations from taxation.

§25 **Individual banker, how assessed.** Every individual banker doing business under the laws of this state, must report before the 15th day of June under oath to the assessors of the tax district in which any of the capital invested in such banking business is taxable, the amount of capital invested in such banking business in such tax district on the 1st day of June preceding. Such capital shall be assessed as personal property to the banker in whose name such business is carried on.

§26 **Notice of assessment to bank or banking association.** The assessors of every tax district shall within 10 days after they have completed the assessment of the stock of a bank or banking association, give written notice to such bank or banking association of such assessment of the shares of its respective shareholders, and no personal or other notice to such shareholders of such assessment is required.

ARTICLE 4

Collection of taxes

§72 **Collection of taxes assessed against stocks in banks and banking associations.** Every bank or banking association shall retain any dividend until the delivery to the collector of the tax roll and warrant of the current year, and within 10 days after such delivery, shall pay to such collector so much of such dividend as may be necessary to pay any unpaid taxes assessed on the stock upon which such dividend is declared. In case the owner of such stock resides in a place other than where the bank or banking association is located, the same power may be exercised in collecting the tax so assessed as is given in case a person has removed from a tax district in which the assessment was made. The tax so assessed shall be and remain a lien on the shares of stock against which it is assessed till the payment of such tax, and if the stock is transferred it shall be subject to such lien. The collector or county

treasurer may foreclose such lien in any court of record, and collect from the avails of the sale of the stock the tax assessed against the same. In addition thereto, the same remedy may be had for the collection of the tax on such shares as is now provided by law for enforcing payment of personal tax against residents.

Apportioning valuation of railroads, telegraph, telephone and pipe line companies between school districts

CHAPTER 908

An act in relation to taxation, constituting chapter 24 of the general laws

Took effect June 15, 1896

ARTICLE 2

Mode of assessment

§39 Assessors to apportion valuation of railroad, telegraph, telephone, or pipe line companies between school districts. The assessors of each town in which a railroad, telegraph, telephone or pipe line company is assessed upon property lying in more than one school district therein, shall, within 15 days after the final completion of the roll, apportion the assessed valuation of the property of each of such corporations among such school districts. Such apportionment shall be signed by the assessors or a majority of them, and be filed with the town clerk within five days thereafter, and thereupon the valuation so fixed shall become the valuation of such property in such school district for the purpose of taxation. In case of failure of the assessors to act, the supervisor of the town shall make such apportionment on request of either the trustees of any school district or of the corporation assessed. The town clerk shall furnish the trustees a certified statement of the valuations apportioned to their respective districts. In case of any alteration in any school district affecting the valuation of such property, the officer making the same shall fix and determine the valuations in the districts affected for the current year.

Railroad companies—collection of taxes

CHAPTER 675

An act to facilitate the payment of school taxes by railroad companies

Passed July 25, 1881

§1 It shall be the duty of the school collector in each school district in this state, except in the counties of New York, Kings

¹As amended by chapter 533, laws of 1885.

and Cattaraugus, within five days after the receipt by such collector of any and every tax or assessment roll of his district, to prepare and deliver to the county treasurer of the county in which such district, or the greater part thereof, is situated, a statement showing the name of each railroad company appearing in said roll, the assessment against each of said companies for real and personal property respectively, and the tax against each of said companies. It shall thereupon be the duty of such county treasurer, immediately after the receipt by him of such statement from such school collector, to notify the ticket agent of any such railroad company assessed for taxes at the station nearest to the office of such county treasurer, personally or by mail, of the fact that such statement has been filed with him by such collector, at the same time specifying the amount of tax to be paid by such railroad company.

§2 Any railroad company heretofore organized, or which may hereafter be organized, under the laws of this state, may within 30 days after the receipt of such statement by such county treasurer, pay the amount of tax so levied or assessed against it in such district and in such statement mentioned and contained with 1 per centum fees thereon, to such county treasurer, who is hereby authorized and directed to receive such amount and to give proper receipt therefor.

§3 In case any railroad company shall fail to pay such tax within said 30 days, it shall be the duty of such county treasurer to notify the collector of the school district in which such delinquent railroad company is assessed, of its failure to pay said tax, and upon receipt of such notice it shall be the duty of such collector to collect such unpaid tax in the manner now provided by law, together with 5 per centum fees thereon; but no school collector shall collect by distress and sale any tax levied or assessed in this district upon the property of any railroad company until the receipt by him of such notice from the county treasurer.

§4 The several amounts of tax received by any county treasurer in this state, under the provisions of this act, of and from railroad companies, shall be by such county treasurer placed to the credit of the school district for or on account of which the same was levied or assessed, and on demand paid over to the school collector thereof, and the 1 per centum fees received therewith shall be placed to the credit of, and on demand paid to, the school collector of such school district.

§5 Nothing in this act contained shall be construed to hinder, prevent or prohibit any railroad company from paying its school tax to the school collector direct, as now provided by law.

§6 This act shall take effect immediately.

Exemptions from taxation—Dwelling-house and land owned by religious corporation, when exempt, and real and personal property of a minister of the gospel or priest

CHAPTER 908

An act in relation to taxation, constituting chapter 24 of the general laws

Took effect June 15, 1896

ARTICLE 1

Taxable property and place of taxation

§4 Exemptions from taxation. The following property shall be exempt from taxation. . .

9 All dwelling-houses and lots of religious corporations while actually used by the officiating clergymen thereof, but the total amount of such exemption to any one religious corporation shall not exceed \$2000. Such exemption shall be in addition to that provided by subdivision 7 of this section. . .

11 The real property of a minister of the gospel or priest who is regularly engaged in performing his duties as such, or permanently disabled, by impaired health from the performance of such duties, or over 75 years of age, and the personal property of such minister or priest, but the total amount of such exemption on account of both real and personal property shall not exceed \$1500.

Real and personal property of corporations and associations organized exclusively for moral, mental, religious purposes, etc., exempt from taxation

CHAPTER 908

An act in relation to taxation, constituting chapter 24 of the general laws

ARTICLE 1

Taxable property and place of taxation

§4 Exemption from taxation. The following property shall be exempt from taxation:

* * * * * * *

7 The real property of a corporation or association organized exclusively for the moral or mental improvement of men or women, or for religious, bible, tract, charitable, benevolent, missionary, hospital, infirmary, educational, scientific, literary, library, patriotic,

¹As amended by chapter 371, laws of 1897.

historical or cemetery purposes, or for the enforcement of laws relating to children or animals, or for two or more such purposes, and used exclusively for carrying out thereupon one or more of such purposes; and the personal property of any such corporation shall be exempt from taxation. But no such corporation or association shall be entitled to any such exemption if any officer, member or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof except reasonable compensation for services in effecting one or more of such purposes, or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof, for any such avowed purposes be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employees, or if it be not in good faith organized or conducted exclusively for one or more of such purposes. The real property of any such corporation or association entitled to such exemption held by it exclusively for one or more of such purposes, and from which no rents, profits or income are derived, shall be so exempt, though not in actual use therefor by reason of the absence of suitable buildings or improvements thereon, if the construction of such buildings or improvements is in progress, or is in good faith contemplated by such corporation or association. The real property of any such corporation not so used exclusively for carrying out thereupon one or more of such purposes, but leased or otherwise used for other purposes, shall not be exempt, but if a portion only of any lot or building of any such corporation or association is used exclusively for carrying out thereupon one or more such purposes of any such corporation or association, then such lot or building shall be so exempt only to the extent of the value of the portion so used, and the remaining or other portion to the extent of the value of such remaining or other portion shall be subject to taxation. Provided, however, that a lot or building owned, and actually used for hospital purposes, by a free public hospital, depending for maintenance and support upon voluntary charity shall not be taxed as to a portion thereof leased or otherwise used for the purposes of income, when such income is necessary for, and is actually applied to, the maintenance and support of such hospital. Property held by any officer of a religious denomination shall be entitled to the same exemptions, subject to the same conditions and exceptions, as property held by a religious corporation.

Real property purchased with proceeds of pensions granted by the United States, for military or naval services, subject to taxation for school purposes, etc.

Chapter 347, laws of 1897, section 1, amends subdivision 5 of section 4 of chapter 908, laws of 1896, entitled "An act in relation to taxation, constituting chapter 24 of the general laws," as follows:

§1 Subdivision 5 of section 4 of chapter 908 of the laws of 1896, entitled "An act in relation to taxation, constituting chapter 24 of the general laws," is hereby amended to read as follows:

5 All property exempt by law from execution, other than an exempt homestead. But real property purchased with the proceeds of a pension granted by the United States for military or naval services, and owned and occupied by the pensioner, or by his wife or widow, is subject to taxation as herein provided. Such property shall be assessed in the same manner as other real property in the tax districts. At the meeting of the assessors to hear the complaints concerning assessments, a verified application for the exemption of such real property from taxation may be presented to them by or on behalf of the owner thereof, which application must show the facts on which the exemption is claimed, including the amount of pension money used in or toward the purchase of such property. If the assessors are satisfied that the applicant is entitled to the exemption, and that the amount of pension money used in the purchase of such property equals or exceeds the assessed valuation thereof, they shall enter the word "exempt" upon the assessment roll opposite the description of such property. If the amount of such pension money used in the purchase of the property is less than the assessed valuation, they shall enter upon the assessment roll the words "exempt to the extent of . . . dollars" (naming the amount) and thereupon such real property, to the extent of the exemption entered by the assessors, shall be exempt from state, county and general municipal taxation, but shall be taxable for local school purposes, and for the construction and maintenance of streets and highways. If no application for exemption be granted, the property shall be subject to taxation for all purposes. The entries above required shall be made and continued in each assessment of the property so long as it is exempt from taxation for any purpose. The provision herein, relating to the assessment and exemption of property purchased with a pension apply and shall be enforced in each municipal corporation authorized to levy taxes.

Pay, bounty and pension money of soldiers and sailors and real property purchased therewith

CODE OF CIVIL PROCEDURE

§1393 The pay and bounty of a noncommissioned officer, musician or private in the military or naval service of the United States or the State of New York; a land warrant, pension or other reward, heretofore or hereafter granted by the United States, or by a state, for military or naval services; a sword, horse, medal, emblem or device of any kind presented as a testimonial for services rendered in the military or naval service of the United States or a state; and the uniform, arms and equipments which were used by a person in that service; are also exempt from levy and sale, by virtue of an execution, and from seizure for nonpayment of taxes, or in any other legal proceeding; except that real property purchased with the proceeds of a pension granted by the United States for military or naval services, and owned by the pensioner, or by his wife or widow, is subject to seizure and sale for the collection of taxes or assessments lawfully levied thereon.

NOTE. The Court of Appeals of this state, in *Yates County National Bank v. Carpenter*, 119 N.Y. 550, held where such money (pay and bounty, land warrant, pensions or other reward) can be traced directly to the purchase of property, necessary or convenient for the support of the pensioner and his family, such property is made exempt by the above section.

A. By the revised statutes of this state, all property exempted by law from execution shall be exempt from taxation.

CHAPTER 502, LAWS OF 1902

An act to provide for a uniform tax in the several towns of the county of St Lawrence for the maintenance of common schools, and for the levy, collection, custody and disbursement thereof

Became a law Ap. 10, 1902, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 At any biennial town meeting held after the passage of this act, in the several towns of the county of St Lawrence, there may be submitted to the electors thereof, upon the written request of not less than 25 taxpayers entitled to vote thereon, such request having been filed with the town clerk at least 30 days before such biennial town meeting, the question, "Shall a uniform system of taxation for the maintenance of the common schools be adopted in the town of?" If a majority of the ballots

¹As amended by chapter 318, laws of 1897.

cast shall be in the affirmative, further proceedings under this act shall be taken as hereinafter provided.

§2 On or before the day of the meeting of the town board for the audit of town accounts in each year, following the adoption of this act, by any town in the county of St Lawrence, the trustee or trustees of the several common school districts in such town shall file with the town clerk, a statement of the sum of money necessary to maintain the common school in said common school district in the following form:

I (or we), the undersigned trustee (or trustees) of school district number, of the town of, State of New York, do hereby certify that the following sums are required for the maintenance of district school number, of the town of, State of New York, for the fiscal year beginning Sep. 1, and ending June 30, ...

For salary for teachers \$

For library funds

For repairs to school buildings

For miscellaneous expenses

Total \$

§3 It shall be the duty of the town clerk to deliver said certificates of the trustee or trustees of the several common school districts, to the town board of each town adopting this system on the day of the meeting of the town board for the audit of town accounts in each year, and the said town board shall include the gross sum called for by the several said certificates or so much thereof as may be necessary, in their annual town schedule of expenses, to be certified to the board of supervisors in the county in which the said town is situated in the same manner as other town expenses, and the said board of supervisors shall levy such amount in the next succeeding tax levy of the town, in the same manner as other town taxes are collected. The amounts thus collected in each town shall be paid by the town collector to the supervisor of the town and by him paid out on the order of the trustee or trustees of the several common school districts to the amount to which each district is entitled, in the same manner as the public school funds are now disbursed. The collector shall be paid the same rate per centum for collection as is now allowed by law for the collection of moneys, and for the same powers and to be subject to the same liabilities. The collector or supervisor shall give bonds to the

amount now required by law in the collection, custody and disbursement of town funds.

§4 It shall be the duty of the town clerk to furnish the trustee or trustees of each common school district the forms in blank provided for in section 2 of this act. The cost thereof shall be a town charge.

§5 Any school district lying partly in the town which had adopted the system of taxation provided by this act, and partly in a town not having adopted said system, shall, for the purpose of this act, be considered as lying wholly in the town not having adopted said system, and shall so continue until such time as both towns have adopted said system of taxation. In case both towns have adopted the system of taxation provided by this act, then the trustee or trustees in such school district shall certify to the town clerk in each town the sum required for the maintenance of such district school, and the said sum shall be divided between the towns in proportion to the assessed valuation of property, real and personal, in the different parts of said district in each town, and the amount so divided, shall be included in the schedule of town expenses in each town in the same manner as heretofore provided in this act.

§6 Under the provisions of this act town boards shall have the power by resolution with the consent in writing of the school commissioner of the district in which such town is situated, to annul or consolidate common school districts, and to provide for the transportation and maintenance of pupils in any common school district in such town.

§7 It shall be the duty of the supervisor to keep a separate account with each common school district, in any town adopting this act, in said town. He shall not pay for the account of any common school district, upon the order of the trustee or trustees, as provided in this act, a larger sum of money than the sum of money approved by the town board of said district, and levied and collected under the provisions of this act.

§8 Whenever any town shall have adopted the system of taxation for the maintenance of common schools provided for in this act, the board of education of any union free school therein, maintaining a department for secondary education, shall receive into such academic department, pupils sufficiently advanced to enter therein, without the payment of any tuition therefor. And such boards of education in such union free school districts are hereby empowered to establish the grades and prescribe such examina-

tions as may be necessary to carry into effect the provisions of this act, and such grading and examination shall be uniform and regulate the admissions thereto of all pupils residing within such township.

§9 All acts or parts of acts which are inconsistent or in conflict with the provisions of this act are hereby repealed.

§10 This act shall take effect immediately.

Holidays

CHAPTER 677

An act relating to the construction of statutes constituting chapter 1 of the general laws

Passed May 18, 1892. As amended by chapter 614, laws of 1897

§24 The term holiday includes the following days in each year: the 1st day of January, known as New Year's day; the 12th day of February, known as Lincoln's birthday; the 22d day of February, known as Washington's birthday; the 30th day of May, known as Memorial day; the 4th day of July, known as Independence day; the 1st Monday of September, known as Labor day, and the 25th day of December, known as Christmas day, and if either of such days is Sunday, the next day thereafter; each general election day and each day appointed by the President of the United States or by the Governor of this state as a day of general thanksgiving, general fasting and prayer, or other general religious observances. The term, half holiday, includes the period from noon to midnight of each Saturday which is not a holiday. The days and half days aforesaid shall be considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays, for all purposes whatsoever as regards the transaction of business in the public offices of this state, or counties of this state. On all other days and half days, excepting Sundays, such offices shall be kept open for the transaction of business.

NOTE. By section 6 of title 2, chapter 556, laws of 1894, the consolidated school law, all legal holidays that may occur during the terms of school during every school year, of 160 days of school, are included as parts of said 160 days, and exclusive of Saturdays. No Saturday shall be counted as part of said 160 days of school, and no school shall be in session on a legal holiday.

CHAPTER 528, LAWS OF 1905

An act to amend the Greater New York charter, relative to Anniversary day, so called, as a holiday in the public schools of the borough of Brooklyn, city of New York

Accepted by the city

Became a law May 18, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Title 4 of chapter 18 of the Greater New York charter, as reenacted by chapter 466 of the laws of 1901, is hereby amended by adding at the end thereof a new section to be known as section 1162, and to read as follows:

§1162 **Anniversary day as a holiday in the public schools of the borough of Brooklyn.** The 8th day of June in the year 1905 and thereafter the first Thursday in June in each year, except in those years when the first Thursday in June occurs in the same week with Memorial day, and in such years the second Thursday in June, known as Anniversary day, and celebrated in commemoration of the organization of Sundays¹ schools, is hereby made and declared to be a holiday in all the public schools in the borough of Brooklyn, city of New York, and the board of education of such city is hereby authorized and directed to cause all the public schools in such borough to be closed on such day.

§2 This act shall take effect immediately.

Actions by and against trustees of school districts

CODE OF CIVIL PROCEDURE

§1926 **Actions by certain specified officers.** An action or special proceeding may be maintained, by the trustee or trustees of a school district; the overseer or overseers of the poor of a village, or city; the county superintendent or superintendents of the poor; or the supervisors of a county, upon a contract, lawfully made with those officers or their predecessors, in their official capacity; to enforce a liability created, or a duty enjoined, by law, upon those officers, or the body represented by them; to recover a penalty or a forfeiture, given to those officers, or the body represented by them; or to

¹So in the original.

²As amended by chapter 302, laws of 1897.

recover damages for an injury to the property or rights of those officers, or the body represented by them; although the cause of action accrued before the commencement of their term of office.

§1927 An action or special proceeding may be maintained against any of the officers specified in the last section (1926), upon any cause of action, which accrues against them, or has accrued against their predecessors, or upon a contract made by their predecessors in their official capacity, and within the scope of their authority.

[See also §1928, 1929 and 1930.]

Section 1931 provides that an execution can be issued upon a judgment for a sum of money against the trustee or trustees of a school district, and such execution may be issued against and be collected out of the property of such officers, and the sum collected must be allowed to him on the settlement of his official accounts, except as otherwise specially prescribed by law.

Chapter 318, laws of 1904, amends the Code of Civil Procedure relative to the enforcement in the state of a judgment for divorce or separation rendered in another state *requiring the husband to provide for the education and maintenance of his children* and the support of his wife.

NOTE. By section 83, article 7, title 7 of consolidated school law, chapter 556, laws of 1894, it is provided, "Whenever any sum or sums of money payable by any person or persons named in such tax list, shall not be paid by such person or persons, or collected by such warrant within the time therein limited, or the time limited by any renewal of such warrant; or in case the property assessed be real estate belonging to an incorporated company, and no goods or chattels can be found whereon to levy the tax, the trustee or trustees may sue for and recover the same in their name of office."

A. See subdivision 17, section 14 of article 1, title 7 of the consolidated school law, chapter 556, laws of 1894, relative to payment of judgments obtained in actions against trustees of districts for unpaid teachers' wages; also sections 4 and 5 of article 1 of title 15 of the consolidated school law, as to payment of costs and damages in actions or proceedings brought by or against trustees of districts.

PENAL CODE

§46 **Attempting to prevent officers from performing duty.** A person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, is guilty of a misdemeanor.

§47 **Resisting officers.** A person who knowingly resists by the use of force or violence, any executive officer, in the performance of his duty, is guilty of a misdemeanor.

§57 **Officer refusing to surrender to successor.** A person who, having been an executive or administrative officer, wrongfully refuses to surrender the official seal, or any books or papers appertaining to his office, upon the demand of his lawful successor, is guilty of a misdemeanor.

§58 Administrative officers. The various provisions of this chapter which relate to executive officers apply to administrative officers, in the same manner as if administrative and executive officers were both mentioned.

§94 Injury, etc., to public records. A person who, wilfully and unlawfully removes, mutilates, destroys, conceals, or obliterates a record, map, book, paper, document, or other thing, filed or deposited in a public office or with any public officer by authority of law, is punishable by imprisonment for not more than five years, or by a fine, not more than \$500, or by both.

§114 Injury to records and misappropriation by ministerial officers. A sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer, who either:

1 Mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office; or,

2 Fraudulently appropriates to his own use or to the use of another person, or secretes with intent to appropriate to such use, any money, evidence of debt or other property intrusted to him in virtue of his office, is guilty of felony.

§117 Neglect of public officers. A public officer, or person holding a public trust or employment, upon whom any duty is enjoined by law, who wilfully neglects to perform the duty, is guilty of a misdemeanor.

§223 Use of force or violence, declared not unlawful, etc. To use or attempt, or offer to use, force or violence upon or toward the person of another is not unlawful in the following cases:

4 When committed by a parent or the authorized agent of any parent, or by any guardian, master, or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, and the force or violence used is reasonable in manner and moderate in degree;

§448 Disturbing lawful meetings. A person who, without authority of law, wilfully disturbs any assembly or meeting, not unlawful in its character, is guilty of a misdemeanor.

§470 Misappropriation, etc., and falsification of accounts by public officers. A public officer, or a deputy, or clerk of any such officer, and any other person receiving money on behalf of, or for account of the people of this state, or of any department of the government of this state, or of any bureau or fund created by law, and in which the people of this state are directly or indirectly interested, or for or on account of any city, county, village or town, who

1 Appropriates to his own use, or to the use of any person not entitled thereto, without authority of law, any money so received by him as such officer, clerk or deputy, or otherwise; or

2 Knowingly keeps any false account, or makes any false entry or erasure in any account of, or relating to, any money so received by him, or

3 Fraudulently alters, falsifies, conceals, destroys or obliterates any such account; or

4 Wilfully omits or refuses to pay over to the people of this state or their officer or agent authorized by law to receive the same, or to such city, village, county or town, or the proper officer or authority empowered to demand and receive the same, any money received by him as such officer, when it is his duty imposed by law to pay over, or account for, the same; is guilty of felony.

§471 Other violations of law. An officer or other person mentioned in the last section who wilfully disobeys any provision of law regulating his official conduct, in cases other than those specified in that section is guilty of a misdemeanor, punishable by a fine not exceeding \$1000, or imprisonment not exceeding two years, or both.

§473 A public officer or school officer, who is authorized to sell or lease any property, or to make any contract in his official capacity, or to take part in making any such sale, lease or contract, who voluntarily becomes interested individually in such sale, lease or contract, directly or indirectly, except in cases where such sale, lease or contract, or payment under the same, is subject to audit or approval by the Superintendent of Public Instruction, is guilty of a misdemeanor.

§485 Making false statement in reference to taxes. A person who, in making any statement, oral or written, which is required or authorized by law to be made as the basis of imposing any tax or assessment, or of an application to reduce any tax or assessment, wilfully makes, as to any material matter, any statement which he knows to be false, is guilty of a misdemeanor.

§485a School district trustee not to draw draft on supervisor in certain cases. A school district trustee who issues an order or draws a draft on supervisor or collector for any money, unless there is at the time sufficient money in the hands of such supervisor or collector belonging to the district to meet such order or draft, is guilty of a misdemeanor.

§505 Unlawfully entering building. A person who, under circumstances or in a manner not amounting to a burglary, enters a

building, or any part thereof, with intent to commit a felony or a larceny, or any malicious mischief, is guilty of a misdemeanor.

§515 **Other cases of forgery in third degree.** A person who, with intent to defraud or to conceal any larceny or misappropriation by any person of any money or property, either

1 Alters, erases, obliterates, or destroys an account, book of accounts, record, or writing, belonging to, or appertaining to the business of, a corporation, association, public office or officer, partnership, or individuals; or

2 Makes a false entry in any such account or book of accounts; or

3 Wilfully omits to make true entry of any material particular in any such account or book of accounts, made, written, or kept by him or under his direction; is guilty of forgery in the third degree.

Division of school commissioner districts—Erection of

CHAPTER 686

An act in relation to counties, constituting chapter 18 of the general laws

Passed May 18, 1892

THE COUNTY LAW

Article Eleven—boards of supervisors

§12 The board of supervisors shall:

9 Divide any school commissioner's district within the county which contains more than 200 school districts, and erect therefrom an additional school commissioner's district, and when such district shall have been formed, a school commissioner for the district shall be elected in the manner provided by law for the election of school commissioners.

CHAPTER 362, LAWS OF 1895

An act to provide that additional facilities for free instruction in natural history, geography and kindred subjects, by means of pictorial representation and lectures, may be furnished to the free common schools of each city and village of the state that has, or may have, a superintendent of free common schools

Became a law Ap. 19, 1895, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 The State Superintendent of Public Instruction is hereby authorized to furnish additional facilities for instruction in natural history, geography and kindred subjects, by means of pictorial representation and lectures, to the free common schools of each city and village of the state that has or may have a superintendent of free common schools. The local school authorities may, in their discretion, cause the aforesaid illustrated lectures to be repeated to their artisans, mechanics and other citizens on the legal holidays and at other times. Any institution instructing a teachers training class, or any union free school may have the free use of the apparatus provided by this act upon the payment to the superintendent of schools loaning the same of necessary expenses incurred in such use or for any loss or injury to said property. Said superintendent may, from time to time, establish the rules and regulations and make and enter into the contracts necessary for carrying out the provisions of this act.

§2 The annual report of each school superintendent to the Department of Public Instruction shall contain a full statement of the extent to which the instructions described may be given and his judgment of the usefulness of the same.

§3 The sum of \$25,000 is hereby appropriated, from any moneys not otherwise appropriated, for the preparation for and the support and maintenance of said instruction for the year beginning on the first day of January, 1895, payable by the Treasurer upon the warrant of the Comptroller, upon vouchers approved by the Superintendent of Public Instruction and audited by the Comptroller, and the sum of \$25,000 shall be appropriated annually thereafter, in the general appropriation bill, for the preparation for and the support and maintenance of said instruction for the term of four years from the first day of January, 1895.

§4 This act shall take effect immediately.

Continuing free instruction in natural history, geography and kindred subjects, etc.

CHAPTER 97, LAWS OF 1897

An act to continue free instruction in natural history, geography and kindred subjects in certain institutions, and making an appropriation therefor

Became a law March 23, 1897, with the approval of the Governor. Passed, three fifths being present

§1 The State Superintendent of Public Instruction is hereby authorized to enter into an agreement with the American Museum of Natural History, in the city of New York, for continuing the instruction of natural history, geography and kindred subjects in the several state normal schools, the Normal College of the City of New York, the training school for teachers in the city of Brooklyn, the teachers institutes in the different counties of the state, and to the teachers in the common schools of the city of New York, Brooklyn and vicinity, authorized by chapter 428 of the laws of 1886, by chapter 337 of the laws of 1888, by chapter 43 of the laws of 1891, and by chapter 6 of the laws of 1893, for the further term of four years from the 1st day of January, 1897.

§2 Said instruction may include free illustrated lectures to artisans, mechanics and other citizens, on such legal holidays as the State Superintendent and museum authorities may agree upon.

§3 The sum of \$18,000, payable from the free school fund, is hereby appropriated for the preparation for and the support and maintenance of said course of instruction, for the year beginning on the 1st day of January, 1897; and the sum of \$18,000 shall be appropriated annually thereafter in the general appropriation bill for the preparation for and the support and maintenance of said course of instruction during the term of the agreement authorized by this act.

CHAPTER 489

An act to provide that additional facilities for free instruction in natural history, geography and kindred subjects, by means of pictorial representation and lectures, may be furnished to the free common schools of each city and village of the state that has, or may have, a superintendent of free common schools

Took effect May 2, 1899

§1 The State Superintendent of Public Instruction is hereby authorized to furnish additional facilities for instruction in natural

history, geography and kindred subjects, by means of pictorial representation and lectures, to the free common schools of each city and village of the state that has, or may have, a superintendent of free common schools. The local school authorities may, in their discretion, cause the aforesaid illustrated lectures to be repeated to their artisans, mechanics and other citizens on the legal holidays and at other times. Any institution instructing a teachers training class, or any union free school, may have the free use of the apparatus provided by this act upon the payment to the superintendent of schools loaning the same of necessary expenses incurred in such use or for any loss or injury to said property. Said superintendent may, from time to time, establish the rules and regulations and make and enter into the contracts necessary for carrying out the provisions of this act.

§2 The annual report of each school superintendent to the Department of Public Instruction shall contain a full statement of the extent to which the instructions described may be given and his judgment of the usefulness of the same.

§3 The sum of \$20,000 is hereby appropriated, from any moneys not otherwise appropriated, for the preparation for and the support and maintenance of said instruction for the year beginning on the 1st day of January, 1899, payable by the Treasurer upon the warrant of the Comptroller, upon vouchers approved by the Superintendent of Public Instruction and audited by the Comptroller, and the sum of \$20,000 shall be appropriated annually thereafter, in the general appropriation bill, for the preparation for and the support and maintenance of said instruction for the term of four years from the 1st day of January, 1899.

§4 The State Superintendent of Public Instruction is hereby authorized, under such rules and regulations as he may establish, to permit the slides for illustrative teaching prepared under the provisions of this act, to be sold to such educational institutions of this state as give free instruction to a portion of their pupils, and are, or may be, hereafter chartered by special acts of the Legislature or organized under the general laws of this state.

§5 This act shall take effect immediately.

Normal schools

CHAPTER 311

[1 ALBANY]

An act for the establishment of a normal school

Passed May 7, 1844

§1 The Treasurer shall pay on the warrant of the Comptroller, to the order of the Superintendent of Common Schools, from that portion of the avails of the literature fund appropriated by chapter 241 of the laws of 1834, to the support of academical departments for the instruction of teachers of common schools, the sum of \$9600; which sum shall be expended under the direction of the Superintendent of Common Schools, and the Regents of the University, in the establishment and support of a normal school for the instruction and practice of teachers of common schools in the science of education and in the art of teaching, to be located in the county of Albany.

§2 The sum of \$10,000 shall, after the present year, be annually paid by the Treasurer on the warrant of the Comptroller, to the Superintendent of Common Schools, from the revenue of the literature fund, for the maintenance and support of the school so established, for five years, and until otherwise directed by law.

§3 The said school shall be under the supervision, management and government of the Superintendent of Common Schools and the Regents of the University. The said Superintendent and Regents shall from time to time, make all needful rules and regulations, to fix the number and compensation of teachers and others to be employed therein, to prescribe the preliminary examination and the terms and conditions on which pupils shall be received and instructed therein, the number of pupils from the respective cities and counties, conforming as nearly as may be to the ratio of population, to fix the location of the said school, and the terms and conditions on which the grounds and buildings therefor shall be rented, if the same shall not be provided by the corporation of the city of Albany, and to provide in all things for the good government and management of the said school. They shall appoint a board consisting of five persons, of whom the said Superintendent shall be one, who shall constitute an executive committee for the care, management and government of the said school under the rules and regulations prescribed as aforesaid, whose duty it shall be from time to time to make full and detailed reports to the said Superintendent and Regents, and among other things to recommend the

rules and regulations which they deem necessary and proper for the said school.

§4 The Superintendent and Regents shall annually transmit to the Legislature a full account of their proceedings and expenditures of money under this act, together with a detailed report by said executive committee of the progress, condition and prospects of the school.

The foregoing was the first provision made by law in this state for the establishment of any normal school. Though general in the sense of being for the benefit of the state, the school was located at Albany, and to provide uniformity in arrangement, the act is inserted here with other local acts relating to normal schools.¹ The laws providing for the establishment of normal schools generally will follow.

The preceding act was regarded as experimental and for a term of five years only. At the expiration of the term, the institution, still at the time the only one in the state, was permanently established by the following act:

CHAPTER 318

An act for the permanent establishment of the normal school

Passed Ap. 12, 1848

§1 The Treasurer shall pay on the warrant of the Comptroller, to the order of the State Superintendent of Common Schools, from the general fund, a sum not exceeding \$15,000, to be expended in the erection of a suitable building for the accommodation of the State Normal School for the instruction and practice of teachers of common schools, in the science of education and the art of teaching.

§2 The said building shall be erected under the direction of the executive committee of the school, upon the ground owned by the state, and lying in the rear of the geological rooms.

§3 The said school shall be as heretofore, under the supervision, management and government of the State Superintendent of Common Schools, and the Regents of the University. The said Superintendent and Regents shall from time to time, make all needful rules and regulations, to fix the number and compensation of teach-

¹ At a meeting of the Regents of the University held Mar. 13, 1890, the corporate name of the Albany Normal School was changed to the New York State Normal College.

ers and others to be employed therein; to prescribe the preliminary examination, and the terms and conditions on which pupils shall be received and instructed therein; the number of pupils from the respective counties conforming as nearly as may be to the ratio of population, and to provide in all things for the good government and management of the said school. They shall appoint a board consisting of five persons, of whom the said Superintendent shall be one, who shall constitute an executive committee for the care, management and government of said school, under the rules and regulations prescribed as aforesaid, whose duty it shall be from time to time to make full and detailed reports to the said Superintendent and Regents, and among other things to recommend the rules and regulations which they deem necessary and proper for the said school.

§4 The Superintendent and Regents shall annually transmit to the Legislature a full account of their proceedings and of the expenditures of money under this and previous acts, together with a detailed report of the progress, condition and prospects of the school.

CHAPTER 466

An act in regard to normal schools

Passed Ap. 7, 1866

§1 The Governor, the Lieutenant Governor, the Secretary of State, the Comptroller, the State Treasurer, the Attorney General and the Superintendent of Public Instruction, shall constitute a commission to receive proposals in writing in regard to the establishment of normal and training schools for the education and discipline of teachers for the common schools of this state from the board of supervisors of any county in this state; from the corporate authority of any city or village, from the board of trustees of any college or academy, and from one or more individuals. Such commission shall have power to accept or refuse such proposals, but the number accepted shall not exceed four. Such proposals shall contain specifications for the purchase of lands and the erection thereon of suitable buildings for such schools, or for the appropriation of land and buildings to such use, and also the furnishing of such schools with furniture, apparatus, books and everything necessary to their support and management. Such proposals may have in view either the grant and conveyance of such land and premises to the state, or the use of the same for a

limited time, and for the gift to the state of furniture, apparatus, books and other things necessary to conduct such schools.

§2 If the proposals made by any board of supervisors or by the corporate authorities of any city or village shall be accepted, said board or corporate authorities shall have power to raise by tax and expend the money necessary to carry the same into effect, and if in their judgment it shall be deemed expedient, they shall have power to borrow money for such purpose, for any time not exceeding 10 years, and at a rate of interest not exceeding 7 per cent and issue the corporate bonds of said county, city or village therefor.

¹ 2§3 When the said commission shall have accepted proposals and determined the location of any one of such schools, and when suitable grounds and buildings have been set apart and appropriated for such schools, and all needful preparations made for opening same in accordance with the proposals accepted, the commission shall certify the same in writing, and then their power under this act in relation to such school shall cease, and thereupon the Superintendent of Public Instruction shall appoint a local board, consisting of not less than three persons, who shall, respectively, hold their offices until removed by the concurrent action of the Chancellor of the University and the Superintendent of Public Instruction, and who shall have the immediate supervision and management of such school, subject, however, to his general supervision and to his direction in all things pertaining to the school. Such local board shall have power to appoint one of their number chairman, one secretary and another treasurer of the board. The secretary may also be treasurer. The treasurer shall give an undertaking to the people of the state for the faithful performance of his trust, in an amount fixed by the Superintendent of Public Instruction. The undertaking shall be approved by the Superintendent and filed in the office of the Comptroller. The secretary and the treasurer shall each be paid an annual salary to be fixed by the local board, with the approval of the Superintendent of Public Instruction, but the aggregate amount of such salaries shall not exceed \$400. A majority of each of said boards shall form a quorum for the transaction of business, and in the absence of any officer of the board, another member may be appointed pro tempore to fill his place and perform his duties. It shall be the duty of such board to make and establish, and from time to time to alter and amend, such rules and regulations for the government of such

¹ As amended by section 1, chapter 224, laws of 1897.

² As amended by section 1, chapter 472, laws of 1901.

schools under their charge, respectively, as they shall deem best, which shall be subject to the approval of the Superintendent of Public Instruction. They shall also severally transmit through him, and subject to his approval, a report to the Legislature on the 1st day of January in each year, showing the condition of the school under their charge during the year next preceding, and which report shall be in such form and contain such an account of their acts and doings as the Superintendent shall direct, including, especially, an account in detail of their receipts and expenditures, which shall be duly verified by the oath or affirmation of their chairman and secretary.

§4 It shall be the duty of the local board, subject to the approval of the Superintendent of Public Instruction, to prescribe the course of study to be pursued in each of said schools. It shall be the duty of the Superintendent of Public Instruction to determine what number of teachers shall be employed in each school, and their wages, whose employment shall also be subject to his approval; to order, in his discretion, that one or more of said schools shall be composed exclusively of males and one or more of females; to decide upon the number of pupils to be admitted to each of said schools, and to prescribe the time and manner of their selection, but he shall take care in such selection to provide that every part of the state shall have its proportionate representation in such school as near as may be according to population; but if any school commissioner district or any city, shall not, for any cause, be fully represented in either of said schools, then the Superintendent of Public Instruction may cause the maximum number of such pupils to be supplied from any part of the state, giving preference, however, to those living in the county, city or village where such school is situated.

§5 All applicants for admission shall be residents of this state, or, if not, they shall be admitted only upon the payment of such tuition fees as shall be, from time to time, prescribed by the Superintendent of Public Instruction. Applicants shall present such evidences of proficiency or be subject to such examination at the school as shall be prescribed by said Superintendent. From and after the 20th day of August, 1889, it shall not be lawful for any such school to receive into any academic department connected therewith, any pupil not a resident of the territory, for the benefit or advantage of whose residents the state has pledged itself to maintain such academic department. When admitted, students,

¹ As amended by chapter 142, laws of 1880.

unless they are students in the academic or practice department or are nonresidents, shall be entitled to all the privileges of the school, free from all charges for tuition or for the use of books or apparatus, but every pupil shall pay for books lost by him, and for any damage to books in his possession; any pupil may be dismissed from the school by the local board for immoral or disorderly conduct, or for neglect or inability to perform his duties.

§6 The Superintendent of Public Instruction shall prepare suitable diplomas to be granted to the students of such school, who shall have completed one or more of the courses of study and discipline prescribed, and a diploma signed by him, the chairman and secretary of the local board and the principal of the school, shall be of itself a certificate of qualification to teach common schools, but such diploma may be annulled for the immoral conduct of its holder in like manner as provided for the annulment of a diploma of state normal school, in title 2, chapter 555, of the laws of 1864. The provisions of this section shall be applicable to the Oswego Normal Training School.

§7 The sum of \$12,000 shall be annually and is hereby appropriated for the support of each said normal and training schools to be organized under this act, payable out of the income of the common school fund, to be paid by the Treasurer, on the warrant of the Comptroller upon the certificate of the Superintendent of Public Instruction affixed to the proper accounts verified by the oath or affirmation of the local board of each school; but none of the money hereby appropriated shall be paid for the purchase of any ground, site or buildings for the use of such schools.

§8 Local boards appointed under this act shall consist of not more than 13 persons, and the office of any member of any such local board, which now consists of more than 13 members, is hereby declared vacant; and the said Superintendent of Public Instruction shall appoint a new local board, and may fill, by appointment, all vacancies occurring in said local boards. Until the appointment of such new local board, and until a quorum of such board shall have entered upon the discharge of its duties, and during such time as any local board shall omit to discharge its duties, the said Superintendent is authorized to discharge the duties of such local boards or any of its officers; and the acts of said Superintendent in the premises shall be as valid and as binding as if done by a competent local board or its officers, or with their cooperation.

¹ Added by chapter 18, laws of 1869.

§9 The local board of control of the state normal school at Fredonia shall have the same powers and privilege in respect to practice departments as boards of education, under subdivision 3 of section 15 and section 16 of title 8 of the consolidated school law.

State normal and training schools were established under the provisions of the foregoing act and special acts, as follows:

Brockport. Chapters 21 and 96, laws of 1867.

Buffalo. Chapter 583, laws of 1867.

Cortland. Chapter 199, laws of 1867; chapter 174, laws of 1868.

Fredonia. Chapter 223, laws of 1867.

Geneseo. Chapter 195, laws of 1867; chapter 601, laws of 1868, and chapter 294, laws of 1871.

Oswego. Chapter 418, laws of 1863, as amended by chapter 445, laws of 1865; chapter 170, laws of 1867.

Potsdam. Chapter 6, laws of 1867.

New Paltz. Chapter 287, laws of 1885.

Oneonta. Chapter 374, laws of 1887.

Plattsburg. Chapter 517, laws of 1889.

²Jamaica. Chapter 553, laws of 1893.

NOTE. There is also a normal college in the city of New York and training schools in other cities of the state maintained by local authorities.

Custody and preservation of normal school buildings

CHAPTER 348

An act concerning the grounds, buildings and property of the state provided for normal schools, the custody, protection and preservation of the same, and the powers of local boards in relation thereto

Passed May 20, 1880

§1 The local boards of managers of the respective normal schools in this state shall have the custody, keeping and management of the grounds and buildings provided or used for the purposes of such schools, respectively, and other property of the state pertaining thereto, with power to protect, preserve and improve the same.

³§2 [Section 2 providing for the punishment for wilful trespass, repealed by subdivision 55 of section 1 of chapter 593, laws of 1886.]

§3 For the purpose of protecting and preserving such buildings, grounds and other property, and preventing injuries thereto, and

¹ Added by chapter 677, laws of 1904.

² Transferred to the city of New York by chapter 524, laws of 1905.

³ Chapter 14 of the Penal Code provides a penalty for such offenses.

preserving order, preventing disturbances, and preserving the peace in such buildings and upon such grounds, the local board of managers of each of said normal schools shall have power, by resolution or otherwise, to appoint, from time to time, one or more special policemen, and the same to remove at pleasure, who shall be police officers, with the same powers as constables of the town or city where such school is located, whose duty it shall be to preserve order, and prevent disturbances and breaches of the peace in and about the buildings, and on and about the grounds used for said school, or pertaining thereto, and protect and preserve the same from injury, and to arrest any and all persons making any loud or unusual noise, causing any disturbance, committing any breach of the peace, or misdemeanor or any wilful trespass upon such grounds, or in or upon said buildings, or any part thereof, and convey such person or persons so arrested, with a statement of the cause of the arrest, before a proper magistrate to be dealt with according to law.

§4 This act shall take effect immediately.

Insurance of property of normal schools

CHAPTER 443

An act to amend chapter 116 of the laws of 1882, entitled "An act authorizing the local board of the state normal schools of this state to insure the buildings and property belonging to said schools for the benefit of the state"

Became a law May 3, 1894, with the approval of the Governor. Passed, three fifths being present

§1 Section 1 of chapter 116 of the laws of 1882, entitled "An act authorizing the local boards of the state normal schools of this state to insure the buildings and property belonging to said schools for the benefit of the state," is hereby amended so as to read as follows:

§1 The local board of each state normal school of this state is hereby authorized to insure and keep insured for the benefit of the state all the real and personal property belonging to said school, and to pay for the same out of any money or moneys appropriated by the state, from time to time, for the maintenance of said school; and any insurance already effected by any such board is hereby ratified and confirmed.

§2 This act shall take effect immediately.

Insurance money**CHAPTER 488**

An act for the disposition and use of insurance moneys received for loss or damage of property in the state normal and training schools

Became a law May 4, 1894, with the approval of the Governor. Passed, three fifths being present

§1 Where any loss or damage, against which insurance exists, occurs to the real or personal property of any of the normal and training schools of the state, the moneys realized from such insurance shall be deposited by each company in which such property is insured in a bank to be designated by the State Comptroller, subject to the check of the local board of managers of such school, countersigned by the State Comptroller, and shall be kept as a separate fund to the credit of the local board of managers of such school, and shall be immediately available to be expended under the direction of such local board of managers, subject to the approval of the State Superintendent of Public Instruction, to repair or replace, wholly or partially, the real or personal property so damaged or destroyed.

§2 This act shall take effect immediately.

Indians—Appointments to normal schools**CHAPTER 89**

An act to provide for the support and education of a limited number of Indian youth, of the State of New York, at the state normal school

Passed Mar. 23, 1850

§1 The Treasurer shall pay, on the warrant of the Comptroller, to the order of the State Superintendent of Common Schools, from the general fund, a sum not exceeding \$1000 per year, for the support and education of 10 Indian youth in the State Normal School, which moneys are hereby appropriated for the purpose of this act.

§2 The selection of such youth shall be made by the State Superintendent of Common Schools, from the several Indian tribes located within this state; and in making such selection due regard shall be had to a just participation in the privileges of this act by each of the said several tribes, and, if practicable, reference shall also be had to the population of each of said tribes in determining such selection.

§3 Such youth shall not be under 16 years of age, nor shall any of such youth be supported or educated at said normal school for a period exceeding three years.

Tuition money in normal schools—How to be used

CHAPTER 492

Tuition money may be spent for current expenses, etc. The local boards of the several state normal schools are hereby authorized to expend, under the direction of the Superintendent of Public Instruction, the moneys now on hand received for tuition in any of the departments of the respective schools, and the moneys hereafter to be received for such tuition, for apparatus, repairs, insurance, furniture or other improvements upon the grounds or buildings, or for the ordinary expenses of the respective schools.

Normal schools—Local boards of, to accept money or property for benefit of such school

CHAPTER 165

An act to authorize the local board of any state normal and training school of this state to accept money or other property, for the benefit of such school

Passed Mar. 30, 1896

§1 By and with the sanction and consent of the Superintendent of Public Instruction of this state, it shall be lawful for the local board of managers of any state normal and training school of this state, to accept, for the state, the gift, grant, devise or bequest of money or other property, and to apply the same to any purpose, not inconsistent with the general purposes of such school, which shall be prescribed in the instrument by which such gift, grant, devise or request shall be made.

§2 This act shall take effect immediately.

. ¹ From the supply bill, laws of 1870.

CHAPTER 252, LAWS OF 1905

An act authorizing villages and cities to insure normal schools

Became a law Ap. 21, 1905, with the approval of the Governor. Passed,
three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 It shall be lawful for each village and city in this state, wherein is located a state normal and training school, to insure and keep insured, the real and personal property of such school against loss or damage by fire, when the state refuses to insure, or keep adequately insured, such property. The insurance is to be in the name of the state, and in case of loss, any moneys obtained from such insurance are to be used and disposed of the same as if the state had effected such insurance. The amount of insurance to be carried shall be determined by the municipal authorities of such village or city.

§2 The amount of money necessary to effect and continue such insurance shall be raised annually by such village or city at the same time, and in the same manner, as the ordinary expenses of the village or city are raised.

§3 This act shall take effect immediately.

CHAPTER 519, LAWS OF 1905

An act to amend the labor law relating to children working in streets and public places in cities of the first and second classes

Became a law May 17, 1905, with the approval of the Governor. Passed,
three fifths being present

The people of the state of New York, represented in Senate and Assembly, do enact as follows:

§1 Sections 174, 177 and 179a of article 12 of chapter 415 of the laws of 1897, entitled "An act in relation to labor, constituting chapter 32 of the general laws," as amended by chapter 151 of the laws of 1903, are hereby amended to read as follows:

§174 **Prohibited employment of children in street trades.** No male child under 10, and no girl under 16 years of age shall in any city of the first or second class sell or expose or offer for sale newspapers in any street or public place.

¹ So in the original.

§177 **Regulations concerning badge and permit.** The badge provided for herein shall be worn conspicuously at all times by such child while so working; and such permit and badge shall expire at the end of one year from the date of their issue. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city of the first or second class as a newsboy, or shall sell or expose or offer for sale newspapers in any street or public place without having upon his person such badge, and he shall exhibit the same upon demand at any time to any police, or attendance officer.

§179a **Violation of this article, how punished.** Any child who shall work in any city of the first or second class in any street or public place as a newsboy or shall sell or expose or offer for sale newspapers under circumstances forbidden by the provisions of this article, must be arrested and brought before a court or magistrate having jurisdiction to commit a child to an incorporated charitable reformatory or other institution and be dealt with according to law; and if any such child is committed to an institution, it shall when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child.

§2 Nothing in this act contained shall be deemed or construed to repeal, amend, modify, impair or in any manner, affect any provision of the Penal Code or the Code of Criminal Procedure.

§3 This act shall take effect Sep. 1, 1905.

CHAPTER 546, LAWS OF 1904

An act to amend the town law, relative to fees for services of supervisors
Became a law May 3, 1904, with the approval of the Governor. Passed,
three fifths being present

The people of the state of New York, represented in Senate and Assembly, do enact as follows:

§1 Section 178 of chapter 569 of the laws of 1890, entitled "An act in relation to towns, constituting chapter 20 of the general laws," is hereby amended by adding thereto a new subdivision to be known as subdivision 3 and to read as follows:

3 The supervisor of each town, except in the counties of Orange and Yates, shall be allowed and paid, in the same manner as other town charges are allowed and paid, a fee of 1 per centum on all

moneys paid out by him as such supervisor, including school moneys disbursed by him as provided in the consolidated school law, moneys paid out by him for damages arising from dogs killing or injuring sheep as provided in article 6 of the county law, moneys in his hands paid out by him for the relief of the poor, and all other town moneys paid out by him for defraying town charges, except moneys paid out by him upon the order of the highway commissioner pursuant to section 53 of the highway law. But no such fees shall be allowed or paid upon moneys paid over by him to his successor in office. Such fees shall be in full compensation for all services rendered by him in respect to moneys received and paid out by him as such supervisor as provided by law.

§2 This act shall take effect immediately.

CHAPTER 568, LAWS OF 1904

An act to amend section 131, chapter 689, of the laws of 1892 of the banking laws for the purpose of authorizing the organization of school savings banks in the public schools of this state

Became a law May 3, 1904, with the approval of the Governor. Passed, three fifths being present

The people of the state of New York, represented in Senate and Assembly, do enact as follows:

§1 Section 131 as of chapter 689 of the laws of 1892, entitled "An act in relation to banking corporations," is hereby amended to read as follows:

§131 **Advertisements of unauthorized savings banks prohibited.**
No bank, banking association, individual banker, firm, association, corporation, person or persons shall advertise or put forth a sign as a savings bank, or in any way solicit or receive deposits as a savings bank, except that it shall be lawful for the principal or superintendent of any public school or schools in the State of New York or for any persons designated for that purpose by the board of education or other school authority in which such school shall be situated to collect once a week or from time to time, small amounts of savings from the pupils of said school, the same to be deposited by said principal or superintendent on the day of collection in some savings banks in the state to the credit of the respective pupils from whom the money shall be collected, or if the amount collected

at any one time shall be deemed insufficient for the opening of individual accounts, in the names of said principal or superintendent, in trust, and to be by him eventually transferred to the credit of the respective pupils to whom the same belongs. In the meantime, said principal or superintendent shall furnish to the bank a list giving the names, signatures, addresses, ages, places of birth, parents' names and such other data concerning the respective pupils as the bank may require, and it shall be lawful to use the words "system of school savings banks" or "school savings banks" in circulars, reports and other printed or written matter used in connection with the purposes of this law. Any bank, banking association, individual banker, firm, association, corporation, person or persons violating this provision shall forfeit to the people of the state for every offense the sum of \$100 for every day such offense shall be continued.

§2 This act shall take effect immediately.

§4 The executive committee of the state normal school shall be the guardians of such Indian youth, during the period of their connection with the school; and shall pay their necessary expenses, not to exceed \$100 per year for each pupil, to be defrayed out of the money appropriated by the first section of this act.

§5 The Indian pupils selected in pursuance of this act, and attending said normal school, shall enjoy the same privileges, of every kind, as the other pupils attending said school, including the payment of traveling expenses, not exceeding \$10 to each pupil.

CHAPTER 222, LAWS OF 1895

An act to provide for the purchase and display of United States flags in connection with the public schools of the state

Became a law Ap. 3, 1895, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 The school authorities of every public school in the several cities and school districts of this state shall purchase a United States flag, flagstaff and the necessary appliances therefor, and shall display such flag upon or near the public school building during school hours, and at such other times as the school authorities may direct. The necessary funds to defray the expense incurred

by this act shall be assessed and collected in the same manner as moneys for public school purposes are now raised by law.

§2 This act shall take effect immediately.

CHAPTER 481, LAWS OF 1898

An act to provide for the display of the United States flag on the schoolhouses of the state, in connection with the public schools; and to encourage patriotic exercises in such schools

Became a law Ap. 25, 1898, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 It shall be the duty of the school authorities of every public school in the several cities and school districts of the state to purchase a United States flag, flagstaff and the necessary appliances therefor, and to display such flag upon or near the public school building during school hours, and at such other times as such school authorities may direct.

§2 The said school authorities shall establish rules and regulations for the proper custody, care and display of the flag, and when the weather will not permit it to be otherwise displayed, it shall be placed conspicuously in the principal room in the school-house.

§3 It shall be the duty of the State Superintendent of Public Instruction to prepare, for the use of the public schools of the state, a program providing for a salute to the flag at the opening of each day of school and such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as may best meet the varied requirements of the different grades in such schools. It shall also be his duty to make special provision for the observance in such public schools of Lincoln's birthday, Washington's birthday, Memorial day and Flag day, and such other legal holidays of like character as may be hereafter designated by law.

§4 The State Superintendent of Public Instruction is hereby authorized to provide for the necessary expenses incurred in developing and encouraging such patriotic exercises in the public school.

§5 Nothing herein contained shall be construed to authorize military instruction or drill in the public schools during school hours.

§6 This act shall take effect immediately.

CHAPTER 232, LAWS OF 1895

An act in relation to gospel funds and school lots in the several towns and counties of the state

Became a law Ap. 4, 1895, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 It shall be lawful for the supervisor of any town having money arising from the sale of gospel lands, and known as gospel funds, to apportion such among the several school districts of his respective town as hereinafter provided.

§2 Any town having a gospel fund of \$500 or less may apportion such fund with the consent and approval of a majority of the town board of such town.

§3 Any town having a gospel fund of more than \$500 may apportion such fund in like manner by a vote at any annual or special town meeting.

§4 Where such apportionment is made, the supervisor shall pay to the trustees of the several school districts of his town its pro rata share according to the aggregate school attendance of each school district in the preceding year.

§5 The trustees of such school districts shall execute and file with the supervisor of such town a bond of twice the amount of such apportionment, with sufficient sureties, to be approved by such supervisor.

§6 Such trustees, upon the receipt of such money, shall apply the same for such purposes as the school district in annual or special meeting shall decide.

§7 This act shall take effect immediately.

CHAPTER 550, LAWS OF 1895

An act in relation to a biennial school census

Became a law May 7, 1895, with the approval of the Governor, Passed,
three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 It shall be the duty of the State Superintendent of Public Instruction, to take or cause to be taken, in the next ensuing October after the enactment of this law, and thereafter in every second year in the month of October, a school census, in all towns and cities of the state having a population of 10,000 or upwards; which shall ascertain the following facts, and he shall embody a summary of the same in his annual report, for the year in which said census is taken, viz, the names and ages of all persons between the ages of 4 and 16; the number of persons in each town or city coming within the application of this law; between the ages of 12 and 21 years, that are unable to read or write; the number of persons over 4 and under 16 years of age who do not attend school because they are obliged to work within school hours; the number of persons between 4 and 16 years who are attending other than public schools; and such other facts as in his judgment may be of importance in securing the information needed to carry out the requirements of article 9, section 1 of the state Constitution, or for the improvement of the common school system.

§2 In taking this school census, the Superintendent of Public Instruction is authorized to determine the work to be done by all the common school authorities and employees under his superintendency, and it shall be the duty of all such authorities and public officers having any civil authority in connection with the common school administration of the state or of said city or town, to aid said Superintendent in all proper ways in the discharge of his duties under this act.

§3 Whoever, being any parent or person having under his or her control, or in his or her charge, a child between the ages of 4 and 16 years, refuses or withholds information in his or her possession, sought by said Superintendent or his representative for the purpose of a school census, or falsifies in regard to the same, shall be liable to and punished by fine not exceeding \$20, or by imprisonment not exceeding 30 days.

§4 The money required for the purpose of carrying this act into effect shall be paid by the towns and cities respectively included in the provisions of the act, and shall be paid for the service rendered in taking the school census, on the certificate of the State Superintendent that such census has been satisfactorily taken.

§5 This act shall take effect immediately.

CHAPTER 768, LAWS OF 1895

An act authorizing the State Superintendent of Public Instruction to appoint his chief clerk as second deputy

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 The State Superintendent of Public Instruction is hereby authorized to appoint his chief clerk as Second Deputy Superintendent of Public Instruction, who shall have power to perform the duties of the deputy superintendent of public instruction; and such second deputy shall not receive any extra salary by reason of such appointment.

§2 This act shall take effect immediately.

CHAPTER 573, LAWS OF 1892

An act for the encouragement of common schools and public libraries

Approved May 14, 1892

Sections 1 to 8, inclusive, of the above entitled chapter are contained in and constitute title 13 of the consolidated school law of 1894, chapter 556 of the laws of 1894, relating to "common schools and public libraries."

§9 The sum of \$55,000 directed to be distributed to the several cities and school districts of the state by section 4 of chapter 237 of the laws of 1838, shall continue to be appropriated and shall be known as school library moneys and shall be applied to the purchase of books for the formation or extension of common school libraries, and for the necessary expenses of the state school library for the benefit and free use of the teachers of the state, to be circulated under such rules and regulations as the State Superintendent of Public Instruction may establish. All payments for said state

¹ As amended by section 1, chapter 546, laws of 1895.

school library shall be made by the Treasurer upon the warrant of the Comptroller, upon bills approved by the State Superintendent of Public Instruction.

§10 For the fiscal year beginning Oct. 1, 1892, but not thereafter, out of said \$55,000, school library money, there shall be paid \$25,000 for public library money, and said \$25,000 shall be paid by the Treasurer, on the warrant of the Comptroller, according to an apportionment to be made for the benefit of free libraries by the Regents in accordance with their rules and authenticated by the University seal; provided that none of this money shall be spent for books except those approved or selected and furnished by the Regents; that no locality shall share in the apportionment unless it shall raise for the same purpose not less than an equal amount from taxation or other local sources; that for any part of the apportionment not payable directly to the library trustees the Regents shall file with the Comptroller proper vouchers showing that it has been spent in accordance with law exclusively for books for free public libraries or for proper expenses incurred for their benefit; and the books paid for by the state shall be subject to return to the Regents whenever the library shall neglect or refuse to conform to the ordinances under which it secured them.

§11 **Repeals.** Section 4, chapter 237 of the laws of 1838 is hereby repealed, and sections 1 to 9 of this act are hereby substituted for title 8, of chapter 555 of the laws of 1864, which said title 8 is hereby repealed; and all other acts repugnant to or inconsistent with the provisions of this act are, so far as they are so inconsistent, hereby repealed.

§12 This act shall take effect immediately.

CHAPTER 668, LAWS OF 1904

An act to encourage local school authorities in establishing school libraries for use in the common schools

Became a law May 9, 1904, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 The sum of \$45,000 is hereby appropriated for the establishment and extension of school libraries for use in the common schools in addition to all sums otherwise appropriated therefor, and the moneys herein appropriated, together with any other money that

may be available or that may hereafter be appropriated for that purpose, shall be distributed and expended in accordance with regulations prescribed by the Commissioner of Education, provided that every city and school district which shall share in the distribution thereof shall raise by tax or otherwise and shall expend for the same purpose a sum at least equal to that granted such city or school district from state funds.

§2 All moneys granted for school libraries shall be paid by the State Treasurer on the warrant of the Comptroller on the certificate of the Commissioner of Education to the treasurers or chamberlains of the respective cities and to the fiscal officers of the school districts entitled thereto; and shall be used only in the purchase of such books as shall have been approved by the Commissioner of Education.

§3 The Commissioner of Education may on request of local school authorities select or buy books for any library or school under his supervision.

§4 This act shall take effect immediately.

CHAPTER 1031, LAWS OF 1895

An act to encourage and to promote the professional training of teachers

1§1 The board of education or the public school authorities of any city or of any village employing a superintendent of schools, may establish, maintain, direct and control one or more schools or classes for the professional instruction and training of teachers in the principles of education and in the method of instruction for not less than 38 weeks in each school year.

2§2 Toward the maintenance and support of these schools and classes established pursuant to this act, or heretofore established and maintained for similar purposes, and whose requirements for admission and whose course of studies are made with the approval of the State Superintendent of Public Instruction, and under whose direction such classes shall be conducted, the said Superintendent is hereby authorized and directed in each year to set apart, to apportion, and to pay from the free school fund \$1 for each week of instruction of each pupil, and the sum of \$40,000 is hereby appropriated to carry out the provisions of this act until the close of the school year of 1897. Such apportionment and payment

¹ As amended by chapter 495, laws of 1897.

² As amended by chapter 646, laws of 1896.

shall be made upon the report of the local superintendent of schools' filed with the State Superintendent of Public Instruction, who shall draw his warrant upon the State Treasurer for the amount apportioned.

§3 If the total sum to be apportioned and to be paid, as provided by section 2 of this act, shall in any one year exceed the said sum of \$100,000, the said State Superintendent of Public Instruction shall apportion to each school and class its pro rata of said sum upon the basis described in section 2 of this act,

§4 After Jan. 1, 1897, no person shall be employed or licensed to teach in the primary and grammar schools of any city authorized by law to employ a superintendent of schools, who has not had successful experience in teaching for at least three years, or, in lieu thereof, has not completed a three years course in, and graduated from a high school or academy having a course of study of not less than three years, approved by the State Superintendent of Public Instruction, or from some institution of learning of equal or higher rank, approved by the same authority, and who, subsequently to such graduation, has not graduated from a school or class for the professional training of teachers, having a course of study of not less than 38 weeks, approved by the State Superintendent of Public Instruction. Nothing in this act shall be construed to restrict any board of education of any city from requiring such additional qualifications of teachers as said board may determine; nor shall the provisions of this act preclude the board of education of any city or village from accepting the diploma of any state normal and training school of the State of New York, or a state certificate obtained on examination, as an equivalent for the preparation in scholarship and professional training herein required.

§5 All acts and parts of acts inconsistent with this act are hereby repealed.

§6 This act shall take effect immediately.

CHAPTER 492, LAWS OF 1900

An act to secure equal rights to colored children in the State of New York, and to repeal section 28, article 11, title 15, of chapter 556 of the laws of 1894, entitled "The consolidated school law "

Became a law Ap. 18, 1900, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 No person shall be refused admission into or be excluded from any public school in the State of New York on account of race or color.

§2 Section 28, article 11, title 15 of chapter 556 of the laws of 1894, which reads as follows: "The school authorities of any city or incorporated village the schools of which are or shall be organized under title 8 of this act, or under special act, may, when they shall deem it expedient, establish a separate school or separate schools for instruction of children and youth of African descent resident therein, and over 5 and under 21 years of age; and such school or schools shall be supported in the same manner and to the same extent as the school or schools supported therein for white children and they shall be subject to the same rules and regulations, and be furnished facilities for instruction equal to those furnished to the white schools therein," is hereby repealed.

§3 This act shall take effect on the first day of September, 1900.

CHAPTER 201, LAWS OF 1901

An act providing for fire drills in the schools of this state

Became a law Mar. 27, 1901, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, having more than 100 pupils, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once in each month.

§2 Neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provisions of this act shall be a misdemeanor, punishable at the discretion of the court by a fine not exceeding \$50. Such fine to be paid to the pension fund of the local fire department where there is such a fund.

§3 It shall be the duty of the board of education or school board or other body having control of the schools in any town or city to cause a copy of this act to be printed in the manual or handbook prepared for the guidance of teachers, where such manual or handbook is in use or may hereafter come into use.

§4 The provisions of this act shall not apply to colleges or universities.

§5 This act shall take effect June 1, 1901.

CHAPTER 125, LAWS OF 1903

An act to provide for the division of union free school districts containing territory of two or more incorporated villages

Became a law Ap. 3, 1903, with the approval of the Governor. Passed, a majority being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 In any union free school district within the limits of which there shall be territory of two or more incorporated villages the board of trustees of any village whose entire district is within said school district may call a special meeting of the voters, duly qualified under the consolidated school law to vote at a school meeting, to determine whether that portion of any such school district comprising the village holding such special meeting shall be separated from such school district and be a separate union free school district with limits corresponding with the limits of such village. Notice of the time and place of any such special meeting shall be published by the board of trustees calling the same once a week for two successive weeks in each newspaper actually printed and published in such village and if there be no such newspaper published in such village, such notice shall then be given by posting in at least ten conspicuous places in said village.

§2 The village clerk of the village holding such special meeting

shall cause to be prepared and furnished for the use of the voters at any such special meeting ballots (which shall conform as near as may be to the election law) in favor of and against organizing the territory within such village into a separate school district. The members of the board of trustees of any village holding such special meeting shall act as inspectors and shall canvass the votes cast and if a majority thereof shall be in favor of constituting the territory within such village a separate school district said board of trustees shall forthwith certify the result of such canvass to the school commissioner of the school commissioner district in which such village is situated, and said school commissioner shall thereupon declare by certificate under his hand the territory within such village limits a separate school district and designate it as union free school district number of the town of

§3 Within 10 days after the school commissioner shall have designated any separate school district organized under the provisions of this act he shall call a special meeting of the qualified voters of such school district at a time and place to be named by him to elect a board of education to consist of six members, two of whom shall be elected for one year, two for two years and two for three years from the date of the annual school meeting next succeeding such special meeting. The call for such special meeting so to be made by the school commissioner shall be published as provided in section 1 of this act for the special meeting to determine as to whether the school district shall be divided. The school commissioner shall call such special meeting to order and the voters present shall elect a chairman and secretary for such meeting and appoint three tellers to canvass the votes cast. After the votes shall have been canvassed the chairman and secretary shall forthwith certify the result of such canvass to the said school commissioner, who shall within five days thereafter call the members of the board of education, shown by said certificate to have been elected, together for the purpose of organization, and said certificate of the result of such canvass shall thereupon become a part of the record of said school district.

§5 If at the time of the organization of any school district as provided in this act there shall be any outstanding bonded or other indebtedness chargeable against the school district of which the territory so separately organized was a part, the school commissioner shall apportion said indebtedness between the newly organized district and the remaining portion of the old district according to the assessed valuation of each and the amounts of

said indebtedness so apportioned shall become a charge for principal and interest upon the respective districts as though the same had been incurred by said districts separately.

§6 Nothing herein contained shall be construed so as to prevent any child of school age residing in any part of a school district so divided from attending school in the part of the district remaining after any such division until the close of the school year in which such division was made, provided, however, that the tax for said school year has theretofore been levied on the real and personal property of the school district before the division for the support of such school for the current school year.

§7 This act shall take effect immediately.

CHAPTER 542, LAWS OF 1903

An act to provide for free tuition of nonresident pupils in schools maintaining an academic department and making an appropriation therefor

Became a law May 11, 1903, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 The sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated for the payment by the Comptroller of the tuition of nonresident pupils from schools in this state not maintaining an academic department who shall be admitted to schools maintaining an academic department without other expense for tuition than that provided in this act. Such payment however shall only be made upon the joint certificate of the State Superintendent of Public Instruction and of the Chancellor of the University of the State of New York in accordance with regulations jointly established by them to such schools as maintain a course of study approved by them and shall be at the rate of \$20 per year for a school year of at least 32 weeks or a proportionate amount for a shorter period of attendance of not less than eight weeks.

§2 This act shall take effect immediately.

CHAPTER 388, LAWS OF 1905

An act to authorize the acceptance by this state of gifts, bequests, and assignments of the bonds, warrants, choses in action, or other obligations of any other state and to enforce the collection thereof

Became a law May 16, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Whenever any person or persons, copartnership, corporation or association shall give, bequeath or assign to the State of New York any bonds, warrants, choses in action or other obligations of any other state, the governor is hereby authorized in his discretion, to receive and accept the same for the benefit of the state and the right and title thereto and therein shall thereupon pass to and vest in this state and the same and all the proceeds thereof when collected shall be held by the Comptroller in a special account or fund subject to be appropriated by the Legislature only for the support of common schools, or for the promotion of some educational interest in the state.

§2 Whenever it shall be necessary to protect or assert the right or title of the state to any such bonds, warrants, choses in action or other obligations so received, or to collect or enforce the same or any part thereof, principal or interest, the Attorney General is hereby authorized and directed to take the necessary and proper proceedings or to bring suit thereon in the name of the state in any court of competent jurisdiction, state or federal, and to prosecute all such suits or proceedings to a termination.

§3 This act shall take effect immediately.

CHAPTER 393, LAWS OF 1905

An act to amend chapter 516 of the laws of 1892, entitled, "An act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowing, erection and maintenance of public libraries, museums and other educational institutions within this state"

Became a law May 16, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Section 1 of chapter 516 of the laws of 1892, entitled, "An act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowing, erection and maintenance of public libraries, museums and other educational institutions within this state," is hereby amended to read as follows:

§1 Any person desiring, in his lifetime, to promote the public welfare by founding, endowing and having maintained a public library, museum or other educational institutions, or a chapel and crematory within this state, may to that end and for such purposes by grant, in writing, convey to a trustee, or any number of trustees, named in such grant (and to their successors), any property, real or personal, belonging to such person, and situated or being within this state.

§2 This act shall take effect immediately.

CHAPTER 424, LAWS OF 1904

An act to provide for the compulsory education of Indian children on the Indian reservations

Became a law Ap. 27, 1904, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 **Short title.** This chapter shall be known as the compulsory education law for the Indian reservations.

§2 **Definitions.** The term person, in parental relations to an Indian child, includes the parents, guardians or other persons, wheth

one or more, lawfully having the care, custody or control of such child. An Indian child under 16 years of age required by the persons in parental relations to such child to attend upon lawful instruction at a school or elsewhere upon which such child is entitled to attend, is lawfully required to attend such school. An Indian child between 6 and 16 years of age, who is required by law to attend upon instruction, and is required by the persons in parental relations to such child, to attend upon lawful instruction at a school or elsewhere upon which such child is entitled to attend, is lawfully required to attend upon such instruction, and if not required by the persons in parental relation to such child to attend upon any instruction, is lawfully required to attend a school on the reservation, upon which such child shall reside.

§3 Required attendance upon instruction. Every Indian child between 6 and 16 years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least the common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at such school as follows: Every Indian child between 14 and 16 years of age not regularly and lawfully engaged in any useful employment or service, and every such child between 6 and 14 years of age, shall so attend upon instruction as many days annually during the period between the first days of September and the following July as a public school of the community or district of the reservation, in which such child resides, shall be in session during the same period. If any such child shall so attend upon instruction elsewhere than at the public school, such instruction shall be at least equivalent to the instruction given to Indian children of like age at a school of the community or district in which such child shall reside; and such attendance shall be for at least as many hours of each day thereof, as are required of children of like age at public schools and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is allowed in public schools for children of like age. Occasional absences from such attendance, not amounting to irregular attendance in a fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practices of public schools.

§4 Duties of persons in parental relation to Indian children. Any person in parental relation to an Indian child between 6 and 16 years of age in proper physical and mental condition to attend

school, shall cause such child to so attend upon instruction or shall present to the superintendent of Indian schools of the reservation on which such child resides proof by affidavit that he is unable to compel such child to so attend. A violation of this section shall be a misdemeanor, punishable for the first offense by a fine not exceeding \$5 or by imprisonment not exceeding 10 days, and for each subsequent offense, by a fine not exceeding \$25, or by imprisonment not exceeding 30 days, or by both such fine and imprisonment. Courts of special sessions shall, subject to removal, as provided in sections 57 and 58 of the Code of Criminal Procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violation of this section within their respective jurisdictions.

§5 Persons employing Indian children unlawfully to be fined.

It shall be unlawful for any person, firm, association or corporation to employ any Indian child residing on any Indian reservation between 6 and 14 years of age, in any business or service whatever, during any part of the term during which the school in the community or district in which such child resides is in session, or to employ any Indian child residing on any reservation between 14 and 16 years of age, who does not, at the time of such employment present a consent in writing signed by the superintendent of the Indian schools on the reservation on which such child resides to the effect that such child may be employed, and specifying the nature of the service and the duration of such service or employment; and any person, firm, association or corporation who shall employ any Indian child contrary to the provisions of this section shall for each offense forfeit and pay to the superintendent of Indian schools of the reservation on which such child resides, a penalty of \$25, the same, when paid, to be used for the support and maintenance of the schools on said reservation.

§6 Teachers record of attendance. An accurate record attendance of all Indian children between 6 and 16 years of age shall be kept by the teacher of every Indian school, showing each day, by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction such Indian child shall attend elsewhere than at the school in the community or district of the reservation where he resides, shall keep a like record of such attendance. Such record shall at all times be open to the superintendent of the Indian schools on their respective reservations and to such persons as they may designate as attendance officers, who may in-

spect or copy the same, and any teacher shall answer all inquiries lawfully made by such superintendents or attendance officer or other persons; and a wilful neglect or refusal to keep such a record or answer any such inquiry shall be a misdemeanor.

§7 Attendance officers. The superintendents of the Indian schools on their respective reservations shall supervise the enforcement of this act within said reservations and they shall appoint and may remove at pleasure such number of attendance officers as the Commissioner of Education shall deem necessary, whose jurisdiction shall extend over all school districts on the reservation for which they shall be appointed, and he shall prescribe their duties, not inconsistent with this act and may make rules and regulations for the performance thereof. And said superintendent is also vested with the same power and authority as the attendance officers appointed by him.

§8 Arrest of truants. Any attendance officer may arrest without warrant anywhere within the state, any Indian child between 6 and 16 years of age, found away from his home and who is then a truant from instruction upon which he is lawfully required to attend within the district or districts of which such attendance officer has jurisdiction. He shall forthwith deliver a child so arrested either to the person in parental relation to the child, or to the teacher of the school from which said child is then a truant, or in case of habitual or incorrigible truants, shall bring them before a magistrate for commitment to a truant school, as provided in the next section.

§9 Superintendent to contract for keeping of truants. The superintendent of Indian schools on any of the Indian reservations may contract with any city or district having a truant school, for the confinement, maintenance and instruction therein of any child who shall be committed to such school as a truant by any magistrate before whom such child shall have been examined upon the charge of truancy. The costs and expenses attending the support and maintenance of any truant, as herein provided shall be audited by the Commissioner of Education and paid in the same manner as the expenses of supporting and maintaining the schools on said reservation are paid.

§10 Enumeration. The superintendent of Indian schools on the several Indian reservations shall whenever so directed by the Commissioner of Education, make a complete enumeration of the Indian inhabitants on said reservations; such enumeration shall be made between the first day of May and the first day of August and

shall be tabulated by said superintendent, and such tabulation shall show the name and age of each Indian person on said reservations and shall show in what school district each of such persons reside. Such superintendents shall designate in such tabulation, the district in which each Indian child of school age shall be required to attend school.

§11 **Payment of services herein required.** The superintendents of Indian schools on the several Indian reservations shall be entitled to receive the sum of \$3 per day, in addition to the salary now paid to such superintendents, for each day necessarily spent by them in enforcing the provisions of this act and also for each day necessarily spent in making the enumerations of the reservations and tabulating the same, together with their necessary expenses while employed in enumerating and tabulating the same and enforcing the provisions of this act. Each of the attendance officers herein provided for shall receive such sum per day as shall be fixed by said superintendents of Indian schools for each day necessarily employed in enforcing this act; and each person employed by said superintendents to assist them in taking and tabulating the census of the residents of said reservations, shall be entitled to such compensation as he shall contract for with said superintendents of said schools, not exceeding \$2 per day, together with necessary expenses. The expense in taking the enumeration herein provided for shall be audited by the Commissioner of Education and paid in the same manner as other accounts for the support and maintenance of the schools on said reservations are now paid.

§12 Chapter 183 of the laws of 1900 and chapter 188 of the laws of 1901 are hereby repealed.

§13 This act shall take effect May 1, 1904.

CHAPTER 155, LAWS OF 1905

An act to bring union free school district no. 11, town of Southampton, in the county of Suffolk, under the provisions of the consolidated school law

Became a law Ap. 8, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Union free school district no. 11, town of Southampton, in the county of Suffolk, is continued under such name and number

and the boundaries thereof shall be the same as its boundaries now are until altered as the law provides.

§2 The said union free school district no. 11, town of Southampton, shall hereafter, in all respects, be subject to and governed by the provisions of chapter 556 of the laws of 1894, being the consolidated school law, and all amendments which have been and which may hereafter be made thereto.

§3 Chapter 441 of the laws of 1862 and all amendments thereto are hereby repealed.

§4 This act shall take effect immediately.

CHAPTER 587, LAWS OF 1905

An act to amend the state finance law, in relation to the education fund
Became a law May 19, 1905, with the approval of the Governor. Passed,
three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Section 80 of article 4 of chapter 413 of the laws of 1897, entitled "An act relating to state finances, constituting chapter 10 of the general laws," as amended by chapter 225 of the laws of 1904 is hereby amended to read as follows:

§80 **The education fund.** The common school fund, the literature fund, and the United States deposit fund, shall continue to consist of all moneys, securities or other property in the treasury of the state, or under the control of any state officer, and of all debts due the state, or real property owned by it, belonging to such fund. The proceeds of all lands which belonged to the state on Jan. 1, 1823, except the parts thereof reserved or apportioned to public use, or ceded to the United States, shall belong to the common school fund. In case of any diminution of capital belonging to the common school fund, United States deposit fund or literature fund, there shall be transferred to the capital of such fund or funds from the income thereof so much as may be necessary to preserve the capital inviolate. Of the income of the United States deposit fund, \$25,000 shall annually be added to the capital of the common school fund. It shall be the duty of the Comptroller, at the close of each fiscal year, to transfer to the general fund the remainder of the income of the common school fund, United States deposit fund and literature fund, which together with such amounts as may be raised or received by taxation or otherwise for educa-

tional purposes, shall constitute the education fund, and appropriations therefrom may be made annually for the support of the educational system of the state, to be apportioned by the Commissioner of Education in the manner provided by law, which apportionment shall be certified by the Commissioner of Education to the Comptroller for distribution and payment. The amount appropriated by the Legislature for the support and maintenance of the common school system of the state, shall be payable from the treasury upon the warrant of the Comptroller, and the Comptroller shall countersign and enter all checks drawn by the Treasurer in payment of his warrants, and all receipts of the Treasurer for such payments paid to the Treasurer, and no such receipts shall be evidence of payment unless they be so countersigned.

§ 2 This act shall take effect immediately.

CHAPTER 767, LAWS OF 1895

An act to provide additional compensation for teachers of common schools in any town of the state who have taught therein continuously 25 years or more

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Upon the petition of 25 or more taxpayers of any town in the county of the state requesting the submission at the next ensuing annual town meeting of such town made not less than 10 days before the accruing thereof, of the question of making provision by taxation upon the taxable property in such town for a sum of money sufficient to pay such teachers resident of such town, who have been employed in the common schools thereof for not less than 25 years, and have rendered continuous service in teaching for such period, with such intermission only as may have occurred in the allotment of school terms or from sickness, the town board of such town shall cause to be submitted to the taxpayers of such town, at the next ensuing town meeting upon due notice thereof published in a newspaper printed in such town, if any paper be published therein, or printed or written notices posted in not less than 10 public places in such town, the question whether a sufficient sum of money be raised from the taxable property within such town to pay said teachers as compensation for long and meritorious service so

long as said teachers reside in such town, upon the conditions, at the times and in the manner hereinafter provided.

§2 In the event of such petition being so made and presented to the supervisor of any town, and notice being given as provided in section 1 of this act, the town board shall furnish the necessary ballots in number and forms for the use of the voters of such town at the next ensuing annual town meeting, and shall provide separate ballot boxes for the reception of ballots cast thereat on the question submitted. One half of the number of said ballots shall have printed thereon, respectively, "for teachers' pension fund," and the other half shall have printed thereon, respectively, "against teachers' pension fund," and such votes as may be cast shall be counted and returned by the officers presiding at said town meeting the same as other votes are counted and returned.. If a majority of the votes so cast be found to be in favor of raising a sum of money sufficient to provide for such fund, and not otherwise, the town board of such town shall immediately thereafter proceed to ascertain what teachers of such class are entitled to the benefits conferred by this act and to receive their proportionate share of the money so voted to be paid, and said board shall require of every person applying therefor, who has taught in the common schools of such town for the period of 25 years or more, to make concise statement of the term of service, the districts in which he or she has taught and the wages, monthly or weekly, received during the last year in which said teacher taught, which statement shall be acknowledged before any officer qualified to take acknowledgments, and filed in the office of the clerk of such town. Thereupon, and at the next annual meeting of the board of supervisors of the county, and at every annual meeting thereafter, the said board shall include in the tax levy of the town so voting as hereinbefore provided in favor of a teachers' pension fund, the amount necessary in each year as estimated and reported by the town board of such town, which sum, when collected, shall be paid over by the collector of such town, to the supervisor thereof, who shall pay out the said money to the teachers found to be entitled thereto in amount to each such teacher, in monthly payments equal to one half the sum received as teachers' monthly or weekly wages by each such teacher' during the last year such teacher was employed to teach in the common schools of such town. And such teachers sharing in the money so appropriated and paid shall be allowed such amount in instalments herein provided as long as they continue to reside in such town, but no longer, and they shall, in re-

ceiving the benefits conferred by this act be deemed to be retired from teaching and placed upon a roll kept by the town clerk of the town as superannuated and retired teachers.

§3 When a vote has been had on the proposition provided to be so submitted by this act in any town, and such vote shall have been against the teachers' pension fund, another vote on the same question shall not be taken again within three years of the first vote so taken; [subject, however, if not physically disabled, to perform such service in the place of any teacher temporarily absent or disqualified, as the school commissioner may require and direct without additional compensation]¹.

§4 This act shall take effect immediately.

CHAPTER 608, LAWS OF 1905

²An act to establish a retirement fund for pensioning retired school teachers in the city of Rochester, and to regulate the collection and management thereof

Accepted by the city

Became a law May 25, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Subdiv. 1 The board of education, the superintendent of schools, one principal, and one teacher of the public schools shall constitute a board of trustees who shall have the general care and management of the public school teachers' retirement fund created by this act. In September, 1905, and in the same month every second year thereafter, a meeting of all the teachers and principals of the public schools of Rochester shall be called by the superintendent, at which time and place one principal and one teacher, then in active service, shall be chosen by the assembled teachers and principals to serve for a term of two years upon the board of trustees hereinbefore mentioned. The said board of trustees is empowered to make payment from said fund, of the annuities granted in pur-

¹ This bracketed clause should come at the close of section 2. The mistake of the engrossing department was not discovered till the law was signed.

² This chapter is printed in this work for the purpose of supplying one of the most recent laws on this subject. Information relative to the laws on this subject for other cities may be obtained by communicating with the superintendent of schools for the several cities of the state.

suance of this act; to take all necessary and proper action in the premises; and to make such rules and regulations for the administration and investment of said fund as it may deem best, except that neither the whole nor any part of said fund shall be invested in any manner otherwise than as the savings banks of the state are by law permitted to invest their funds.

Subdiv. 2 The public school teachers' retirement fund created by this act shall consist of the following moneys with interest or income therefrom, to wit:

a All donations, legacies and gifts which shall be made to said fund.

b 2% per annum of the respective salaries paid to the superintendent of schools, supervisors, principals and teachers regularly employed in the public schools of Rochester, except that no such deduction shall be made from the salary of a superintendent or a supervisor unless within one month from the date this act shall take effect or from the time of his or her appointment, notice in writing shall be given the board of trustees of his or her desire to come within the provisions of this act.

c An amount to be paid each year from the funds appropriated by the city of Rochester for the board of education for the maintenance of the department of education, equal to one half the total sum deducted from the salaries of the superintendent, supervisors, principals and teachers for that year.

d All moneys which may be obtained from other sources or by other means duly and legally devised for the increase of said fund by the board of trustees or with their consent.

Subdiv. 3 The board of education in making the pay rolls for the superintendent, supervisors, principals and teachers hereinbefore mentioned, shall semiannually deduct from the salary of each of said persons a sum equal to 1% of his or her annual salary, except that no such deduction shall be made from the salary of a superintendent or a supervisor who does not come under the provisions of this act as hereinbefore mentioned, and shall certify the amount of such deductions and the names of the persons from whose salaries such deductions have been made; and such certificate shall accompany the pay roll and a warrant for the amount of the deductions so certified shall be drawn payable to the city comptroller, and shall be deposited by him with the city treasurer, who shall retain the same subject to the disposal of said board of trustees as hereinbefore provided. At the same time a warrant shall be drawn payable to the city comptroller for a sum equal to one half

of the amount of the deductions made from the salaries of the said superintendent, supervisors, principals and teachers, made chargeable to the funds appropriated by the city of Rochester for the board of education for the maintenance of the department of education, which sum the said comptroller shall also deposit with the city treasurer, who shall retain the same subject to the disposal of said board of trustees as hereinafter provided.

Subdiv. 4 The city comptroller shall be the custodian of said fund, and the city treasurer shall be the treasurer thereof; and all orders made payable from this fund shall be made upon the vote of the said board of trustees, said orders to be signed by its president and countersigned by the city comptroller and the city treasurer.

Subdiv. 5 *a* The board of education shall have power, on recommendation of the superintendent of schools, to retire from service or refuse to reappoint to service, any supervisor, principal, or teacher who shall have served in such capacity or capacities for an aggregate period of 20 years, if a female, and 25 years, if a male; and any person so retired or refused reappointment, shall become an annuitant under this act, provided that not less than 15 years of such service shall have been rendered in the public schools of Rochester, and in case of any superintendent or supervisor, provided also that he or she shall have come under the provisions of this act in the manner hereinbefore mentioned.

b Any superintendent, supervisor, principal, or teacher who shall have served in such capacity or capacities for a period of 30 years, if a female, or 35 years, if a male, may with the consent of the board of education, retire from service and become an annuitant under this act, provided that not less than 15 years of such service, shall have been performed in the public schools of the city of Rochester, and in case of any superintendent or supervisor, provided also that he or she shall have come under the provisions of this act in the manner hereinbefore mentioned.

Subdiv. 6 Annuities paid in pursuance of this act shall be one half the amount of the annual salary of the annuitant at the time of retirement from service, except that no annuity shall exceed \$800 annually; but if the moneys at the disposal of the trustees of said fund be found at any time inadequate to fully carry out the provisions hereinabove mentioned, the trustees shall then pay to the persons entitled to participate in said fund as near a pro rata amount as in their judgment the circumstances will warrant.

Subdiv. 7 No person shall become an annuitant who has not contributed to the teachers' retirement fund in pursuance of subdivision 3 of this act, an amount equal to at least 40% of his or her annual salary at the time of retirement; but any such person otherwise qualified may become an annuitant by making a cash payment to the retirement fund before receiving any annuity, of such an amount as his or her contributions under said subdivision 3 may have fallen short of the required 40%.

Subdiv. 8 No annuity shall be paid from the teachers' retirement fund before July 1, 1907, but any person duly qualified who shall retire or be retired from service before that time, and after this act shall take effect, shall not be deemed to have forfeited the right to become an annuitant under the provision of this act.

Subdiv. 9 If at any time a superintendent, supervisor, principal, or teacher, who shall be willing to continue service in the public schools of Rochester, shall not be reemployed, or shall be discharged before the time when he or she would under the provisions of this act be entitled to an annuity, then such person shall be paid back, without interest, all the money which may have been deducted from his or her salary in pursuance of this act.

Subdiv. 10 The board of education shall include in its annual report a full account of the condition of the teachers' retirement fund, its amount, the manner of its investment, and all receipts and disbursements on account of said fund during the year.

§2 This act shall take effect Sep. 1, 1905.

Saloon not to be maintained near schoolhouse etc.

CHAPTER 29 OF THE GENERAL LAWS

Liquor tax law

§24 **Place in which traffic in liquor shall not be permitted.** Traffic in liquors shall not be permitted:

2 Under the provisions of subdivision 1 of section 11 of this act, in any building, yard, booth or other place which shall be on the same street or avenue or within 200 feet of a building occupied exclusively as a church or schoolhouse; the measurements to be taken in a straight line from the center of the nearest entrance of the building used for such church or school to the center of the nearest entrance of the place in which such liquor traffic is desired

to be carried on; provided, however, that this prohibition shall not apply to a place which on the 23d day of March, 1896, was lawfully occupied for a hotel, nor to a place in which such traffic in liquors was actually lawfully carried on at that date, nor to a place which at such date was occupied, or was in process of construction, by a corporation or association which traffics in liquors solely with the members thereof, nor to a place within such limit to which a corporation or association trafficking in liquors solely with the members thereof at such date may remove; but none of the exemptions under subdivision 2 of this section shall apply to subdivision 1 of this section; nor . . .

18 Misc. 346; 23 id. 468; 31 id. 569; 40 N. Y. Supp. 1107; 25 App. Div. 428, 431; 27 id. 564, 570; 34 id. 390; 47 id. 111

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ALBANY

NEW YORK STATE EDUCATION DEPARTMENT

1905

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EDUCATION DEPARTMENT

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With years when terms expire

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MAR 5 1906
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Department Bulletin

No. 2

THE UNIVERSITY LAW

ORGANIZATION AND POWERS OF THE UNIVERSITY

STATE CONSTITUTION, ARTICLE 9

§ 1 **Common schools.** The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated. Free schools to be maintained

§ 2 **Higher education.** The corporation created in the year 1784, under the name of the Regents of the University of the State of New York, is hereby continued under the name of the University of the State of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the Legislature, shall be exercised, by not less than nine Regents. University of the State of New York perpetuated

§ 3 **Educational funds.** The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies; and the sum of \$25,000 of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund. Educational funds to be kept inviolate

§ 4 **Restrictions of subsidies.** Neither the state nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught. State aid to sectarian teaching institutions forbidden

UNIFICATION ACT 1904

Chapter 40

An act to provide that "the University of the State of New York" shall be governed and its corporate powers exercised by 11 Regents, and to provide for their election; and to provide for a Department of Education and the election of a Commissioner of Education.

Became a law Mar. 8, 1904, with the approval of the Governor. Passed, three fifths being present.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1 **Government of University.** On and after the first day of April, 1904, the corporation designated by the Constitution as "the University of the State of New York" shall be governed and its corporate powers exercised by 11 Regents. The term of office of the Regents now in office, not selected as herein provided, shall cease and determine on said first day of April following the election of the 11 Regents hereinafter provided for. There shall be no "ex officio" members of the Board of Regents.

§ 2 **Election of Regents.** Within 10 days after the passage of this act the Legislature shall proceed to the election of 11 Regents of the University of the State of New York, in the manner now prescribed by law for the election of a Regent. Such Regents shall be elected for the term of 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 years respectively, from the first day of April, 1904. The Secretary of State shall issue to each of the persons so elected a certificate of election, in the same manner as certificates are now issued to elected members of the Board of Regents. Such Regents shall be selected from those who are now Regents of the University of the State of New York, and so far as may be, that one shall be chosen from each judicial district. The successors in office for a full term of the Regents thus elected shall in the same manner be elected by the Legislature in the second week of February in each year, to serve for a period of 11 years from the first day of April succeeding such election. If a vacancy in the Board of Regents shall occur in a judicial district, (that is, in the territory comprising the same as now constituted) from which there remains one or more representatives on said Board, and there shall at the same time be a district not represented on the Board by a resident

thereof, such vacancy shall be filled by the election of a Regent from such unrepresented district. A vacancy in the office of Regent for other cause than expiration of term of service, shall be filled for the unexpired term by an election at the session of the Legislature immediately following such vacancy, unless the Legislature is in session when such vacancy occurs, in which case the vacancy shall be filled by such Legislature.

§ 3 **Commissioner of Education.** Within 10 days after the passage of this act, the Legislature shall elect a Commissioner of Education in the same manner as members of the Board of Regents are now elected, who either may or may not be a resident of the State of New York. The Commissioner shall receive an annual salary of \$7500, payable monthly, and shall also be paid \$1500 in lieu and in full for his traveling and other expenses, also payable monthly. He shall enter upon the performance of the duties of his office on the first day of April, 1904. The Commissioner of Education first elected shall serve for the term of six years unless sooner removed for cause by the Board of Regents, and the Legislature shall fill any vacancy that may occur during such period of six years for the balance of the term, in the manner provided by section 3 of this act, and all successors in office after such term of six years, shall serve during the pleasure of the Board of Regents, and all vacancies in the office of Commissioner of Education after such six years shall be filled by appointment by the Board of Regents.

§ 4 **Powers of Commissioner.** The office of Superintendent of Public Instruction and the office of Secretary of the Board of Regents shall be abolished from and after April 1, 1904, and the powers and duties of said offices shall be exercised and performed by the Commissioner of Education. All the powers and duties of the Board of Regents in relation to the supervision of elementary and secondary schools including all schools, except colleges, technical and professional schools, are hereby devolved upon the Commissioner of Education. The said Commissioner of Education shall also act as the executive officer of the Board of Regents. He shall have power to create such departments as in his judgment shall be necessary. He shall also have power to appoint deputies and heads of such departments, subject to the approval of the State Board of Regents. Such heads of departments shall appoint, subject to approval by the Commissioner of Education, such subordinates in their respective departments as in their judgment shall be necessary. The Commissioner of Education, for the

first year of his incumbency, subject to approval by the State Board of Regents, shall fix and determine the salaries of all deputies, appointees and employees within the appropriations made therefor and in accordance with existing laws. The Board of Regents of the University shall have power to establish such rules and regulations as are necessary to carry into effect the statutes of this State relating to education, and, subject to the provisions and limitations of this act, shall also possess all the powers now exercised by the present State Board of Regents. Nothing in this act shall be construed to affect the powers of the Board of Regents in relation to colleges, universities, professional and technical schools, libraries (other than public school libraries), museums, university extension courses and similar agencies.

§ 5 **Of appropriations.** All appropriations of public money made in support of the common school system, as heretofore administered by the State Superintendent of Public Instruction, and all such appropriations in aid of secondary education heretofore apportioned and certified by the Regents of the University, shall after certification by the Commissioner of Education herein created, be paid by the State Treasurer on the warrant of the Comptroller, and all employees and appointees in either the Department of the Regents or Department of Public Instruction shall be eligible for transfer and appointment to positions in the office of the Commissioner of Education herein created.

§ 6 All acts and parts of acts so far as inconsistent with this act are hereby repealed.

§ 7 This act shall take effect immediately.

UNIVERSITY LAW

Laws of New York 1892, ch. 378, as amended to October 1, 1905

**An act to revise and consolidate the laws relating to the University
of the State of New York**

*The people of the State of New York, represented in Senate and
Assembly, do enact as follows:*

- | | |
|--|------------------------------------|
| §1 Short title | §34 Powers of trustees of institu- |
| 2 Definitions | tions in the University |
| 3 Corporate name and objects | 1 Number and quorum |
| 4 Regents | 2 Executive committee |
| 5 Officers | 3 Meetings and seniority |
| 6 Meetings and absences | 4 Vacancies and elections |
| 7 Quorum and executive commit- | 5 Property holding |
| tee | 6 Control of property |
| 8 Authority of Regents to take | 7 Officers and employees |
| testimony | 8 Removals and suspensions |
| 9 Bylaws, ordinances and rules | 9 Degrees and credentials |
| 10 Departments and their govern- | 10 Rules |
| ment | 35 Public and free libraries and |
| 11 General examinations, creden- | museums |
| tials and degrees | 36 Establishment |
| 12 Academic examinations | 37 Subsidies |
| 13 Admission and fees | 38 Taxes |
| 14 Extension of educational facilities | 39 Trustees |
| 15 State Library; how constituted | 40 Incorporation |
| 16 Manuscripts and records "on file" | 41 Reports |
| 17 Use | 42 Use |
| 18 Book appropriation | 43 Injuries to property |
| 19 Duplicate department | 44 Detention |
| 20 Transfers from state officers | 45 Transfer of libraries |
| 21 Other libraries owned by the state | 46 Local neglect |
| 22 State Museum; how constituted | 47 Loans of books from state |
| 23 Collections made by the staff | 48 Advice and instruction from |
| 24 Institutions in the University | State Library officers |
| 25 Visitation and reports | 49 Use of fees and fines |
| 26 Apportionment of state money | 50 Apportionment of public library |
| 27 Charters | money |
| 28 Provisional charters | 51 Abolition |
| 29 Change of name or charter | 52 Laws repealed |
| 30 Dissolution and rechartering | 53 Saving clause |
| 31 Suspension of operations | 54 Construction |
| 32 Conditions of incorporation | 55 To take effect |
| 33 Prohibitions | Schedule of laws repealed |

University
law

§ 1 **Short title.** This chapter shall be known as the University law.

§ 2 **Definitions.** As used in this chapter,

Meaning in
this law of:
academies;

1 Academies are incorporated schools for instruction in higher branches of education, but not authorized to confer degrees, and such high schools, academic departments in union schools and similar unincorporated schools as are admitted by the Regents to the University as of academic grades.

college;

2 The term college includes universities and other institutions for higher education authorized to confer degrees.

University;

3 University means University of the State of New York.

Regents;

4 Regents means Board of Regents of the University of the State of New York.

State Super-
intendent;

5 State Superintendent means State Superintendent of Public Instruction.

higher
education;

6 Higher education means education in advance of common elementary branches, and includes the work of academies, colleges, universities, professional and technical schools and educational work connected with libraries, museums, university extension courses and similar agencies.

trustees

7 The term trustees includes directors, managers, or other similar members of the governing board of an educational institution.

To promote
higher educa-
tion; inspect
institutions;
administer
property and
funds

§ 3 **Corporate name and objects.** The corporation created in 1784 under the name of Regents of the University of the State of New York shall continue and be known as University of the State of New York. Its objects shall be to encourage and promote higher education, to visit and inspect its several institutions and departments, to distribute or expend or administer for them such property and funds as the state may appropriate therefor or as the University may own or hold in trust or otherwise, and to perform such other duties as may be intrusted to it.

See also p. 3, *Constitution* art. 9, §2.

Governed by
23 Regents

§ 4 **Regents.** The University shall be governed and all its corporate powers exercised by 19 elective Regents, and by the Governor, Lieutenant Governor, Secretary of State, and Superintendent of Public Instruction, who shall be ex officio Regents. In case of the death, resignation, refusal to act or removal from the state, of an elective Regent, his successor shall be chosen by the Legislature in the manner provided by law for the election of senators in Congress, except that the election may take place at such time

Mode of
electing

¹ Superseded by laws of 1904, chapter 40. See p. 4.

during the session of the Legislature as it may determine. No person shall be at the same time an elective Regent of the University and a trustee, president, principal, or any other officer of any institution belonging to the University. Noneligibility

Must be at least nine Regents. See p. 3, *Constitution* art. 9, §2

§ 5 **Officers.** The elective officers of the University shall be a Chancellor and a Vice Chancellor who shall serve without salary, a Secretary, and such other officers as are deemed necessary by the Regents, all of whom shall be chosen by ballot by the Regents and shall hold office during their pleasure; but no election, removal or change of salary of any elective officer shall be made by less than 10 votes in favor thereof. Each Regent and each elective officer shall, before entering on his duties, take and file with the Secretary of State the oath of office required of state officers. Elective officers chosen by ballot; term of office
Regents and officers must take oath of office

The Chancellor shall preside at all convocations and at all meetings of the Regents, confer all degrees which they shall authorize, and fix the time and place of all special meetings. In his absence or inability to act, the Vice Chancellor, or if he be also absent, the senior Regent present shall perform all the duties and have all the powers of the Chancellor. Duties of Chancellor; of Vice Chancellor and senior Regent;

The Secretary shall be responsible for the safe-keeping and proper use of the University seal and of the books, records, and other property in charge of the Regents, and for the proper administration and discipline of its various offices and departments, and shall give an undertaking to be approved by and filed with the State Comptroller, in the sum of \$10,000 for the faithful discharge of his duties. He may appoint, subject to the confirmation of the Chancellor, a deputy to exercise temporarily any specified powers of the Secretary in his absence. of Secretary
Secretary's bond of \$10,000
May appoint deputy

For form, time and place of filing and effect of failure to file official oath, see *Public officers law*, 1892, §10, 13, 20; L. 1894, ch.403.

§ 6 **Meetings and absences.** In addition to the annual meetings for which the time and place shall be fixed by ordinance of the Regents, the Chancellor shall call a meeting as often as the business of the University shall require, or on written request of any five Regents; and at least 10 days' notice of every meeting shall be mailed to the usual address of each Regent. If any Regent shall fail to attend three consecutive meetings, without written excuse, accepted as satisfactory by the Regents not later than the third consecutive meeting from which he has been absent, he shall be Annual meetings fixed by ordinance
Special meetings
Three absences make vacancy

¹ Superseded by laws of 1904, chapter 40. See p. 5.

deemed to have resigned, and the Regents shall promptly report the vacancy to the Legislature, which shall fill it as provided in §4.

6 a quorum ¹§ 7 **Quorum.** Six Regents attending shall be a quorum for the transaction of business.

May hear proofs § 8 **Authority of Regents to take testimony.** The Regents, or any committee thereof, may take testimony or hear proofs in any manner relating to their official duties, or in any matter which they may lawfully investigate.

Code of civil procedure, §§43, 854-59, in connection with this section authorizes Regents or any committee thereof to issue subpoenas, administer oaths and compel attendance of witnesses.

May make or alter rules Restriction § 9 **Bylaws, ordinances and rules.** The Regents may, as they deem advisable in conformity to law, make, alter, suspend or repeal any bylaws, ordinances, rules and resolutions for the accomplishment of the trusts reposed in them, but no such bylaw, ordinance or rule shall modify in any degree the freedom of the governing body of any seminary for the training of priests or clergymen to determine and regulate the entire course of religious, doctrinal or theological instruction to be given in such institution. No bylaw, ordinance or rule by which more than a majority vote shall be required for any specified action by the Regents shall be amended, suspended, or repealed by a smaller vote than that required for action thereunder. [*As amended by laws of 1895, ch.577*]

State Library, Museum, and other University dep'ts under exclusive control of Regents Regents may maintain lectures; buy, sell, receive, lend or deposit articles § 10 **Departments and their government.** The State Library and State Museum shall be departments of the University, and the Regents may establish such other departments as they deem necessary to discharge the duties imposed on them by law. All University departments shall be under exclusive control of the Regents who shall have all powers of trustees thereof, including authority to appoint all needed officers and employees; to fix their titles, duties, salaries and terms of service; to make all needed regulations; and to buy, sell, exchange or receive by will, gift or on deposit, articles or collections properly pertaining thereto; to maintain lectures connected with higher education in this state, and to lend to or deposit permanently with other institutions books, specimens or other articles in their custody which, because of being duplicates or for other reasons, will in the judgment of the Regents be more useful in said institutions than if retained in the original collections at Albany.

¹ As amended by laws of 1905, chapter 161.

§ 11 **General examinations, credentials and degrees.** The Regents may confer by diploma under their seal such honorary degrees as they may deem proper, and may establish examinations as to attainments in learning, and may award and confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

May confer honorary degrees, and certificates and degrees on examination

§ 12 **Academic examinations.** The Regents shall establish in the academies of the University, examinations in studies furnishing a suitable standard of graduation from academies and of admission to colleges, and certificates or diplomas shall be conferred by the Regents on students who satisfactorily pass such examinations.

Standards for academic graduation and college admission

§ 13 **Admission and fees.** Any person shall be admitted to these examinations who shall conform to the rules and pay the fees prescribed by the Regents, and said fees shall not exceed \$1 for each academic branch, or \$5 for each higher branch in which the candidate is examined; and all fees received may be used by the Regents for expenses of examinations.

Open to all

Fees limited to \$1 for academic and \$5 for higher branches

§ 14 **Extension of educational facilities.** The Regents may cooperate with other agencies in bringing within the reach of the people at large increased educational opportunities and facilities, by stimulating interest, recommending methods, designating suitable teachers and lecturers, lending necessary books and apparatus, conducting examinations and granting credentials and otherwise aiding such work. No money appropriated by the state for this work shall be expended in paying for services or expenses of teachers or lecturers.

Regents may cooperate in educational extension

State not to pay teachers' expenses or fees

§ 15 **State Library; how constituted.** All books, pamphlets, manuscripts, records, archives and maps, and all other property appropriate to a general library, if owned by the state and not placed in other custody by law, shall be in charge of the Regents and constitute the State Library.

All state literary property part of State Library; exceptions

§ 16 **Manuscripts and records "on file."** Manuscript or printed papers of the Legislature, usually termed "on file," and which shall have been on file more than five years in custody of the Senate and Assembly clerks, and all public records of the state not placed in other custody by a specific law shall be part of the State Library and shall be kept in rooms assigned and suitably arranged for that purpose by the trustees of the Capitol. The Regents shall cause such papers and records to be so classified and arranged that they can be easily found. No paper or record shall be removed from such files except on a resolution of the Senate

Ms and records more than 5 years "on file" are part of State Library

To be made easily available

To be re-
moved only
by Senate and
Assembly
resolution

and Assembly withdrawing them for a temporary purpose, and in case of such removal a description of the paper or record and the name of the person removing the same shall be entered in a book provided for that purpose, with the date of its delivery and return.

Library to be
open at least
8 hours daily

§ 17 Use. The State Library shall be kept open not less than eight hours every week day in the year, and members of the Legislature, judges of the Court of Appeals, justices of the Supreme Court, and heads of state departments may borrow from the library books for use in Albany, but shall be subject to such restrictions and penalties as may be prescribed by the Regents for the safety or greater usefulness of the library. Others shall be entitled to use or borrow books from the library only on such conditions as the Regents shall prescribe.

State officers
may borrow

Other bor-
rowers

Laws of 1891, ch.377, §1, makes the first appropriation for the state medical library and §2 embodies the conditions of the gift by the Albany Medical College of its library, as follows:

§2 The said medical library shall be a part of the New York State Library under the same government and regulations and shall be open for consultation to every citizen of the state at all hours when the state law library is open and shall be available for borrowing books to every accredited physician residing in the State of New York, who shall conform to the rules made by the Regents for insuring proper protection and the largest usefulness to the people of the said medical library.

\$15,000 annu-
ally for books

§ 18 Book appropriation. The Treasurer shall pay annually to the Regents, on warrant of the Comptroller, \$15,000 for books, serials and binding for the State Library.

Charge of cer-
tain state
publications

§ 19 Duplicate department. The Regents shall have charge of the preparation, publication and distribution, whether by sale, exchange or gift, of the colonial history, natural history, and all other state publications not otherwise assigned by law. To guard against waste or destruction of state publications, and to provide for completion of sets to be permanently preserved in American and foreign libraries, the Regents shall maintain a duplicate department to which each state department, bureau, board or commission shall send not less than five copies of each of its publications when issued, and after completing its distribution, any remaining copies which it no longer requires. The above, with any other publications not needed in the State Library, shall be the duplicate department, and rules for sale, exchange or distribution from it shall be fixed by the Regents, who shall use all receipts from such exchanges or sales for expenses and for increasing the State Library. [*As amended by laws of 1895, ch.859, §19 and 1901, ch.507, §14*]

Duplicate
dep't in State
Library

Receipts to be
used for li-
brary

§ 20 **Transfers from state officers.** The librarian of any library owned by the state, or the officer in charge of any state department, bureau, board, commission or other office, may, with the approval of the Regents, transfer to the permanent custody of the State Library or Museum any books, papers, maps, manuscripts, specimens or other articles which, because of being duplicates or for other reasons, will in his judgment be more useful to the state in the State Library or Museum than if retained in his keeping.

Books, papers and other articles may be transferred to State Library

§ 21 **Other libraries owned by the state.** The report of the State Library to the Legislature shall include a statement of the total number of volumes or pamphlets, the number added during the year, with a summary of operations and conditions, and any needed recommendations for safety or usefulness for each of the other libraries owned by the state, the custodian of which shall furnish such information or facilities for inspection as the Regents may require for making this report. Each of these libraries shall be under the sole control now provided by law, but for the annual report of the total number of books owned by or bought each year by the state, it shall be considered as a branch of the State Library and shall be entitled to any facilities for exchange of duplicates, interlibrary loans or other privileges properly accorded to a branch.

State Library report to include summarized reports of other libraries

Such libraries to have all privileges of branches

§ 22 **State Museum; how constituted.** All scientific specimens and collections, works of art, objects of historic interest and similar property appropriate to a general museum, if owned by the state and not placed in other custody by a specific law, shall constitute the State Museum, and one of its officers shall annually inspect all such property not kept in the State Museum rooms, and the annual report of the museum to the Legislature shall include summaries of such property, with its location, and any needed recommendations as to its safety or usefulness. Unless otherwise provided by law, the State Museum shall include the work of the State Geologist and Paleontologist, the State Botanist and the State Entomologist, who, with their assistants, shall be included in the scientific staff of the State Museum. [*As amended by laws of 1896, ch.493, §1*]

Includes work of all state scientific officers

Includes state property appropriate to general museum

Exceptions
Summarized reports

§2 The executive committee of the New York State Agricultural Society may have the free use of said cabinets of natural history, and all the specimens therein deposited, at any and all times, for such purpose as such committee shall desire, subject to the direction and regulations of the Regents of the University; provided that such committee shall not remove said cabinets, or any of the specimens therein deposited, from the rooms in which they shall be deposited by the Regents of the University.

§ 23 Collections made by the staff. Any scientific collection made by a member of the museum staff during his term of office shall, unless otherwise authorized by resolution of the Regents, belong to the state and form part of the State Museum.

§ 24 Institutions in the University. The institutions of the University shall include all institutions of higher education which are now or may hereafter be incorporated in this state, and such other libraries, museums or other institutions for higher education as may, in conformity with the ordinances of the Regents, after official inspection, be admitted to or incorporated by the University. The Regents may exclude from such membership any institution failing to comply with law or with any ordinance or rule of the University.

§ 25 Visitation and reports. The Regents or their committees or officers shall visit, examine into and inspect the condition and operation of every institution and department in the University, and require of each an annual report verified by oath of its presiding officer, and giving information concerning trustees, faculty, students, instruction, equipment, methods, and operations, with such other information and in such form as may be prescribed by the Regents who shall annually report to the Legislature the condition of the University and of each of its institutions and departments, with any further information or recommendations which they shall deem it desirable to submit; and such parts of their report as they shall deem necessary for use in advance of the annual volume, may be printed by the state printer as bulletins. For refusal or continued neglect on the part of any institution in the University to make the report required by this section, or for violation of any law, the Regents may suspend the charter or any of the rights and privileges of such institution.

§ 26 Apportionment of state money. The Treasurer shall pay annually, on warrant of the Comptroller, \$12,000 from the income of the literature fund, \$34,000 from the income of the United States deposit fund, and \$60,000 from the general fund, according to an apportionment to be made for the benefit of the academies of the University by the Regents in accordance with their rules, and authenticated by their seal, provided that the said \$60,000 from the general fund shall be used only for academic departments of union schools, and that no academy shall share in such apportionment unless the Regents shall be satisfied by personal inspection by one of their officers, the necessary expenses of which

¹Superseded by laws of 1905, chapter 699.

inspection may be paid out of said money, that it has suitable provision for buildings, furniture, apparatus, library and collections, and has complied with all their requirements; and provided that books, apparatus, scientific collections or other educational equipment furnished by the state or bought with money apportioned from state funds shall be subject to return to the Regents whenever the charter of the school shall be revoked or it shall discontinue its educational operations.

Grants subject to return

Capital of literature and United States deposit funds must be kept inviolate; revenue of the literature fund must be applied to support of academies; no state funds to be paid to any institution of learning, "wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught," *§ 3, Constitution*, art.9, §3-4; *L. 1873*, ch.642, §7. Literature fund, and how invested, *R. S. pt.1*, ch.9, tit.3, §1-2. *L. 1895*, ch. 341, provided for an additional \$100 to each school of academic grade, and for increasing the fund each year to keep pace with growth in number of schools and students. *L. 1901*, ch.498, fixed at \$350,000 the total annual grants to academic schools. For establishment and regulation of academic departments of union schools, see *Consolidated school law*, 1894, ch.556, tit.8, §15, sub.§10; §26-27, 35. For other details as to such expenditures, see *L. 1873*, ch.642.

§ 27 Charters. The Regents may, by an instrument under their seal and recorded in their office, incorporate any university, college, academy, library, museum, or other institution or association for the promotion of science, literature, art, history or other department of knowledge, under such name, with such number of trustees or other managers, and with such powers, privileges and duties, and subject to such limitations and restrictions in all respects as the Regents may prescribe in conformity to law. [*As amended by laws of 1895, ch.859, §2*]

Regents may incorporate any educational institution or association

See also p.30, *Constitution*, art.8, §1; p.30, *Membership corporations law*, 1895, ch.559, art.2, §30, repealing all powers to incorporate scientific, literary and similar institutions or associations except by the Regents under this section.

An academy incorporated for the promotion of literature and authorized to educate males and females, may establish separate departments for each, and, under laws of 1840, ch.318, and laws of 1841, ch.261, take and hold real estate in trust to be used for the benefit of either department. [*Adams v. Perry*, 43 N. Y. 487]

§ 28 Provisional charters. On evidence satisfactory to the Regents that the conditions for an absolute charter will be met within a prescribed time, they may grant a provisional charter which shall be replaced by an absolute charter when the conditions have been fully met; otherwise, after the specified time, on notice from the Regents to this effect, the provisional charter shall

Limitations of provisional charters

No power to
confer degrees

terminate and become void and shall be surrendered to the Regents. No such provisional charter shall give power to confer degrees.

Unless on
unanimous re-
quest of trus-
tees, 30 days'
notice of pro-
posed changes
must be given

§ 29 **Change of name or charter.** The Regents may, at any time, for sufficient cause, by an instrument under their seal and recorded in their office, change the name, or alter, suspend or revoke the charter or incorporation of any institution which they might incorporate under §27, if subject to their visitation or chartered or incorporated by the Regents or under a general law; provided, that unless on unanimous request of the trustees of the institution, no name shall be changed and no charter shall be altered, nor shall any rights or privileges thereunder be suspended or repealed by the Regents, till they have mailed to the usual address of every trustee of the institution concerned at least 30 days' notice of a hearing when any objections to the proposed change will be considered, and till ordered by vote at a meeting of the Regents for which the notices have specified that action is to be taken on the proposed change. [*As amended by laws of 1895, ch.859, §3*]

For change of name by court, see *Code of civil procedure*, §2411-18.

Regents may
dissolve edu-
cational cor-
porations

May issue
new charter

§ 30 **Dissolution and rechartering.** Under like restrictions the Regents may dissolve any such educational corporation, whether with or without a capital stock, and whether incorporated by the Regents or under a general or by a special law, and make such disposition of the property of such corporation remaining after payment of its debts and liabilities as the Regents shall deem just and equitable and best promoting public interests. The Regents may also, after a similar hearing, issue to any such educational corporation a new charter which shall take the place in all respects of that under which it has been operating. In the case of any corporation whose dissolution is contemplated or has been decreed by the Regents, upon their application and nomination the court shall, and upon the application of the trustees of such corporation, with notice to the Regents, the court, in its discretion, may, appoint a receiver of the property and liquidate the business affairs of the corporation under the provisions, so far as applicable, of title 2 of chapter 15 of the code of civil procedure; and all property of the corporation, or proceeds thereof, that shall remain after payment, under such liquidation, of its debts and liabilities, shall be paid and transferred to the Regents and be subject to their disposition the same as if they had directly conducted such liquidation. [*As amended by laws of 1903, ch.289, §1*]

For procedure for dissolution of incorporated academies having capital stock, see L. 1889, ch.25. For certain educational corporations excepted from code provisions for dissolution, see *Code of civil procedure*, and L. 1901, ch.57, §3.

For library corporations conveying property to New York Public Library, see L. 1901, ch.57, §3.

§ 31 **Suspension of operations.** If any institution in the University shall discontinue its educational operations without cause satisfactory to the Regents, it shall surrender its charter to them, subject, however, to restoration whenever arrangements satisfactory to the Regents are made for resuming its work.

Charter to be surrendered subject to restoration

§ 32 **Conditions of incorporation.** No institution shall be given power to confer degrees in this state unless it shall have resources of at least \$500,000; and no institution for higher education shall be incorporated within suitable provision, approved by the Regents, for buildings, furniture, educational equipment and proper maintenance. No institution shall institute or have any faculty or department of higher education in any place or be given power to confer any degree not specifically authorized by its charter; and no institution of higher education shall be incorporated under the provisions of any general act authorizing the formation of a corporation without grant of a special charter on individual application, and no corporation shall, under authority of any general act, extend its business to include establishing or carrying on any such institution.

\$500,000 for degree-conferring powers

Limit on location and degrees

No incorporation or extension of educational powers under general act

See also *State Constitution*, art.8; L. 1895, ch.559, art.2, §30.

§ 33 **Prohibitions.** No individual, association or corporation not holding university or college degree-conferring powers by special charter from the Legislature of this state or from the Regents, shall confer any degrees, nor after Jan. 1, 1893, shall transact business under, or in any way assume the name university or college, till it shall have received from the Regents, under their seal, written permission to use such name, and no such permission shall be granted by the Regents, except on favorable report after personal inspection of the institution by an officer of the University. No person shall buy, sell or fraudulently or illegally make or alter, give, issue or obtain any diploma, certificate or other instrument purporting to confer any literary, scientific, professional or other degree, or to constitute any license, or to certify to the completion in whole or in part of any course of study in any university, college, academy or other educational institution. No diploma or degree shall be conferred in this state except by a regularly organized institution of learning registered by the Regents as not

Conferring degrees

Use of name, college or university

Buying, selling or tampering with credentials

Diplomas and degrees

violating any requirement of law or of the University ordinances, nor shall any person with intent to deceive, falsely represent himself to have received any such degree or credential, nor shall any person append to his name any letters in the same form registered by the Regents as entitled to the protection accorded to university degrees, unless he shall have received from a duly authorized institution the degree for which the letters are registered. Counterfeiting, or falsely or without authority making or altering in a material respect any such credential issued under seal shall be a felony, and personating another by attempting to take an examination in his name or procuring any person thus falsely to personate another; or otherwise attempting to secure the record of having passed such examination in violation of the University ordinances, or any other violation of this section shall be a misdemeanor; and any person who aids or abets another, or advertises or offers himself to violate the provisions of this section, shall be liable to the same penalties. [*As amended by laws of 1895, ch.859, §4*]

§ 34 Powers of trustees of institutions in the University. The trustees of every corporation created for educational purposes and subject to visitation by the Regents, unless otherwise provided by law or by its charter, may :

1 Number and quorum. Fix the number of trustees which shall not exceed 25, nor be less than five. If any institution has more than five trustees, the body that elects, by a two thirds vote after notice of the proposed action in the call for a meeting, may reduce the number to not less than five by abolishing the office of any trustee which is vacant and filing in the Regents office a certified copy of the action. A majority of the whole number shall be a quorum.

2 Executive committee. Elect an executive committee of not less than seven, who, in intervals between meetings of the trustees, may transact such business of the corporation as the trustees may authorize, except to grant degrees or to make removals from office.

3 Meetings and seniority. Meet on their own adjournment or when required by their bylaws, and as often as they shall be summoned by their chairman, or in his absence by the senior trustee, on written request of three trustees. Seniority shall be according to the order in which the trustees are named in the charter or subsequently elected. Notice of the time and place of every

False claims

Counterfeiting
or altering
credentials a
felonyFalse person-
ation a misde-
meanorTrustees 5 to
25Reducing
numberMajority a
quorumNot less
than 7

Powers

Regular and
special meet-
ingsSeniority as
elected

meeting shall be mailed not less than five nor more than 10 days before the meeting to the usual address of every trustee.

5 to 10 days' notice of meetings

4 Vacancies and elections. Fill any vacancy occurring in the office of any trustee by electing another for the unexpired term. The office of any trustee shall become vacant on his death, resignation, refusal to act, removal from office, expiration of his term, or any other cause specified in the charter. If any trustee shall fail to attend three consecutive meetings without written excuse accepted as satisfactory by the trustees not later than the third consecutive meeting from which he has been absent, he shall be deemed to have resigned, and the vacancy shall be filled. Any vacancy in the office of trustee continuing for more than one year, or any vacancy reducing the number of trustees to less than two thirds of the full number may be filled by the Regents. No person shall be ineligible as a trustee by reason of sex.

Trustees may fill vacancies

Three absences make vacancy

Regents may fill certain vacancies

Women eligible

5 Property holding. Take and hold by gift, grant, devise or bequests in their own right or in trust for any purpose comprised in the objects of the corporation, such additional real and personal property beyond such as shall be authorized by their charter or by special or general statute, as the Regents shall authorize within one year after the delivery of the instrument or probate of the will, giving, granting, devising or bequeathing such property and such authority given by the Regents shall make any such gift, grant, devise or bequest operative and valid in law. Any grant, devise or bequest made for the benefit of any institution in or registered by the University shall be equally valid whether made in the corporate name or to the trustees of the corporation and the powers given to the trustees by this §34 shall be construed to be the powers of the corporation exercised through its trustees. [*As amended by laws of 1901, ch.592*]

Regents may authorize holding property beyond charter limit

Bequests and grants valid whether in corporate name or to trustees

For enlargement of limitations on amount of property that membership educational corporations may hold, see p.32, *General corporation law*, 1892, §12; L. 1889, ch.191. For property holding generally, see *General corporation law*, 1892, §10-14.

6 Control of property. Buy, sell, mortgage, let and otherwise use and dispose of its property as they shall deem for the best interests of the institution; and also to lend or deposit, or to receive as a gift, or on loan or deposit, literary, scientific or other articles, collections, or property pertaining to their work; and such gifts, loans or deposits may be made to or with the University or any of its institutions by any person, or by legal vote of any board of trustees, corporation, association or school district, and any such

Trustees have exclusive control of property. May lend, deposit etc.

Transfer property, responsibility and rights

transfer of property, if approved by the Regents, shall during its continuance, transfer responsibility therefor to the institution receiving it, which shall also be entitled to receive any money, books or other property from the state or other sources to which said corporation, association or district would have been entitled but for such transfer.

Incorporated college may maintain waterworks system, p.41-43, L. 1895, ch.630.

Salaries and terms of office

7 Officers and employees. Appoint and fix the salaries of such officers and employees as they shall deem necessary, who, unless employed under special contract, shall hold their offices during the pleasure of the trustees; but no trustee shall receive compensation as such.

Trustees not to be paid

Misconduct, incapacity or neglect of duty

8 Removals and suspensions. Remove or suspend from office by vote of a majority of the entire board any trustee, officer or employee engaged under special contract, on examination and due proof of the truth of a written complaint by any trustee, of misconduct, incapacity or neglect of duty; provided that at least one week's previous notice of the proposed action shall have been given to the accused and to each trustee.

Previous notice

Only degrees and honors specified in charter

9 Degrees and credentials. Grant such degrees and honors as are specifically authorized by their charter, and in testimony thereof give suitable certificates and diplomas under their seal; and every certificate and diploma so granted shall entitle the conferee to all privileges and immunities which by usage or statute are allowed for similar diplomas of corresponding grade granted by any institution of learning.

Privileges

Rules not to conflict with law or University rules

10 Rules. Make all bylaws, ordinances and rules necessary and proper for the purposes of the institution and not inconsistent with law or any ordinance or rule of the University; but no ordinance or rule by which more than a majority vote shall be required for any specified action by the trustees shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

Restriction

For power to make bylaws, see *General corporation law*, 1892, §11, 29.

Library defined

§ 35 Public and free libraries and museums. All provisions of §35 to 51 shall apply equally to libraries, museums, and to combined libraries and museums, and the word library shall be construed to include reference and circulating libraries and reading rooms.

See also *General municipal law*, 1892, §24.

§ 36 **Establishment.** By majority vote at any election, any city, village, town, school district, or other body authorized to levy and collect taxes, or by vote of its common council, or by action of a board of estimate and apportionment or other proper authority, any city, or by vote of its trustees, any village, may establish and maintain a free public library, with or without branches, either by itself or in connection with any other body authorized to maintain such library. Whenever 25 taxpayers shall so petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted, provided that due public notice shall have been given of the proposed action. A municipality or district named in this section may raise money by tax to establish and maintain a public library, or libraries, or to provide a building or rooms for its or their use, or to share the cost as agreed with other municipal or district bodies, or to pay for library privileges under a contract therefor. It may also acquire real or personal property for library purposes by gift, grant, devise or condemnation, and may take, buy, sell, hold and transfer either real or personal property and administer the same for public library purposes. By majority vote at any election any municipality or district or by three fourths vote of its council, any city may accept gifts, grants, devises or bequests for public library purposes on condition that a specified annual appropriation shall thereafter be made for maintenance of such library or libraries. Such acceptance, when approved by the Regents of the University under seal and recorded in its book of charters, and in a school not subject to their visitation when approved by the State Superintendent of Public Instruction, shall be a binding contract, and such municipality and district shall levy and collect yearly the amount provided in the manner prescribed for other taxes. [*As amended by laws of 1895, ch.859, §5, and 1902, ch.185, §1*]

How estab-
lished
By majority
vote

25 taxpayers
may require
vote

Municipality
may establish
and maintain

For establishment of free public library by town, city or village, see *General municipal law*, 1892, §24.

§ 37 **Subsidies.** By similar vote money may be granted towards the support of libraries not owned by the public, but maintained for its welfare and free use; provided, that such libraries shall be subject to the inspection of the Regents and registered by them as maintaining a proper standard, that the Regents shall certify what number of the books circulated are of such character as to merit a grant of public money and that the amount granted yearly to libraries on the basis of circulation shall not exceed 10 cents for each volume of the circulation thus certified by the Regents; and provided that the trustees of any institution supported under

Nonpublic
libraries may
receive 10c a
volume for
circulation
certified by
Regents

this chapter by public money, in whole or in part, may, so far as consistent with free use by the public at reasonable or specified hours, close any of its museum collections at certain other hours, for study, to meet the demands of special students or for exhibition purposes, and may charge an admission fee at such hours, provided that all receipts from such fees shall be paid into the treasury and be used for the maintenance or enlargement of the institution. [*As amended by laws of 1900, ch.481*]

Laws of 1886, ch.666 and laws of 1887, ch.313, authorizing local subsidies to libraries, were repealed by the *Membership corporations law*, 1895, ch.559. This section now contains the only provision of law for subsidies to libraries.

§ 38 Taxes. Taxes, in addition to those otherwise authorized, may be voted by any authority named in §36 and for any purpose specified in §36 and 37, and shall, unless otherwise directed by such vote, be considered as annual appropriations therefor till changed by further vote, and shall be levied and collected yearly, or as directed, as are other general taxes; and all money received from taxes or other sources for such library shall be kept as a separate library fund and expended only under direction of the library trustees on properly authenticated vouchers.

§ 39 Trustees. Such libraries shall be managed by trustees who shall have all the powers of trustees of other educational institutions of the University as defined in this act; provided, unless otherwise specified in the charter, that the number of trustees shall be five; that they shall be elected by the legal voters, except that in cities they shall be appointed by the mayor with the consent of the common council, from citizens of recognized fitness for such position; that the first trustees determine by lot whose term of office shall expire each year and that a new trustee shall be elected or appointed annually to serve for five years.

§ 40 Incorporation. Within one month after taking office, the first board of trustees shall apply to the Regents for a charter in accordance with the vote establishing the library.

§ 41 Reports. Every library or museum which receives state aid or enjoys any exemption from taxation or other privilege not usually accorded to business corporations shall make the report required by §25 of this act, and such report shall relieve the institution from making any report now required by statute or charter to be made to the Legislature, or to any department, court or other authority of the state. These reports shall be summarized and transmitted to the Legislature by the Regents with the annual reports of the State Library and State Museum.

Tax first
voted to be
annual till
changed by
later vote

Library
money to be
kept separate

Powers

Number to be
5 unless other-
wise specified
in charter

Election or
appointment

Term of
office, 5 years

Charter from
University

To report to
Regents

Exempt from
other reports

Reports to be
summarized

§ 42 **Use.** Every library established under §36 of this act shall be forever free to the inhabitants of the locality which establishes it, subject always to rules of the library trustees, who shall have authority to exclude any person who wilfully violates such rules; and the trustees may, under such conditions as they think expedient, extend the privileges of the library to persons living outside such locality. *[As amended by laws of 1895, ch.859, §6]*

Library free
to residents

Exclusion
Privileges to
nonresidents

§ 43 **Injuries to property.** Whoever intentionally injures, defaces or destroys any property belonging to or deposited in any incorporated library, reading room, museum, or other educational institution, shall be punished by imprisonment in a state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than \$500, or by both such fine and imprisonment.

Intentional
injury a
state prison
offense

To like effect, *Penal code*, 647-48.

§ 44 **Detention.** Whoever wilfully detains any book, newspaper, magazine, pamphlet, manuscript or other property belonging to any public or incorporated library, reading room, museum or other educational institution, for 30 days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution, such article or other property may be kept, shall be punished by a fine of not less than one nor more than \$25, or by imprisonment in the jail not exceeding six months, and the said notice shall bear on its face a copy of this section.

Wilful deten-
tion punish-
able by 6
months in jail
or \$25 fine

§ 45 **Transfer of libraries.** Any corporation, association, school district or combination of districts may, by legal vote duly approved by the Regents, transfer the ownership and control of its library, with all its appurtenances, to any public library in the University, and thereafter said public library shall be entitled to receive any money, books or other property from the state or other sources, to which said corporation, association or district would have been entitled but for such transfer, and the trustees or body making the transfer shall thereafter be relieved of all responsibility pertaining to property thus transferred.

Transfer ap-
proved by Re-
gents carries
right to re-
ceive money,
books and
other prop-
erty

§ 46 **Local neglect.** If the local authorities of any library supported wholly or in part by state money, fail to provide for the safety and public usefulness of its books, the Regents shall in writing notify the trustees of said library what is necessary to meet the state's requirements, and on such notice all its rights to further grants of money or books from the state shall be suspended until the Regents certify that the requirements have been met; and if said trustees shall refuse or neglect to comply with such requirements

Right to state
grants for-
feited by neg-
lect

Regents may
remove negli-
gent trustees

within 60 days after service of such notice, the Regents may remove them from office and thereafter all books and other library property wholly or in part paid for from state money shall be under the full and direct control of the Regents who, as shall seem best for public interests, may appoint new trustees to carry on the library, or may store it or distribute its books to other libraries.

Control of
property

Regents may
lend books to
certain libra-
ries

Traveling
libraries

Instruction in
organizing
and adminis-
tering libra-
ries:

by State Li-
brary staff
or unpaid
commission

Advice and
service of
duplicate
department
free to
residents of
state

Fees for cer-
tain cases

Receipts to be
used for
University
expenses

State aid to
free libraries

§ 47 Loans of books from state. Under such rules as the Regents may prescribe, they may lend from the State Library, duplicate department, or from books specially given or bought for this purpose, selections of books for a limited time to any public library in this state under visitation of the Regents, or to any community not yet having established such library, but which has conformed to the conditions required for such loans.

§ 48 Advice and instruction from State Library officers. The trustees or librarian or any citizen interested in any public library in this state shall be entitled to ask from the officers of the State Library any needed advice or instruction as to a library building, furniture and equipment, government and service, rules for readers, selecting, buying, cataloguing, shelving, lending books, or any other matter pertaining to the establishment, reorganization or administration of a public library. The Regents may provide for giving such advice and instruction either personally or through printed matter and correspondence, either by the State Library staff or by a library commission of competent experts appointed by the Regents to serve without salary. The Regents may, on request, select or buy books, or furnish¹ instead of money apportioned, or may make exchanges and loans through the duplicate department of the State Library. Such assistance shall be free to residents of this state as far as practicable, but the Regents may, in their discretion, charge a proper fee to nonresidents or for assistance of a personal nature or for other reason not properly an expense to the state, but which may be authorized for the accommodation of users of the library.

§ 49 Use of fees and fines. The Regents may use receipts from fees, fines, gifts from private sources, or sale of Regents bulletins and similar printed matter, for buying books or for any other proper expenses of carrying on their work.

§ 50 Apportionment of public library money. Such sum as shall have been appropriated by the Legislature as public library money shall be paid annually by the Treasurer, on the warrant of the Comptroller, from the income of the United States deposit

¹ So in the original.

² Superseded by laws of 1901, chapter 457.

fund, according to an apportionment to be made for the benefit of free libraries by the Regents in accordance with their rules and authenticated by their seal; provided that none of this money shall be spent for books except those approved or selected and furnished by the Regents; that no locality shall share in the apportionment unless it shall raise and use for the same purpose not less than an equal amount from taxation or other local sources; that for any part of the apportionment not payable directly to the library trustees the Regents shall file with the Comptroller proper vouchers showing that it has been spent in accordance with law exclusively for books for free libraries or for proper expenses incurred for their benefit; and that books paid for by the state shall be subject to return to the Regents whenever the library shall neglect or refuse to conform to the ordinances under which it secured them.

Conditions

Books to be approved

Equal amount from local sources

Return of grants

§ 51 **Abolition.** Any library established by public vote or action of school authorities, or under §36 of this act, may be abolished only by a majority vote at a regular annual election, ratified by a majority vote at the next annual election. If any such library is abolished its property shall be used first to return to the Regents, for the benefit of other public libraries in that locality, the equivalent of such sums as it may have received from the state or from other sources as gifts for public use. After such return any remaining property may be used as directed in the vote abolishing the library, but if the entire library property does not exceed in value the amount of such gifts it may be transferred to the Regents for public use, and the trustees shall thereupon be freed from further responsibility. No abolition of a public library shall be lawful till the Regents grant a certificate that its assets have been properly distributed and its abolition completed in accordance with law. [*As amended by laws of 1895, ch.859, §7*]

Abolish only by majority vote at two successive elections

Disposition of property

Regents certificate necessary

§ 52 **Laws repealed.** Of the laws enumerated in the schedule hereto annexed that portion specified in the last column is repealed.

Laws repealed

§ 53 **Saving clause.** The repeal of a law or any part of it by this act shall not affect or impair any act done or right accruing, accrued or acquired, or liability, penalty, forfeiture, or punishment incurred prior to such repeal, under or by virtue of any law so repealed, but the same may be asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if such law had not been repealed; and all actions and proceedings, civil or criminal, commenced under or by virtue of the laws so repealed and pending at the time of such repeal, may be prosecuted and defended to final effect in the same manner as

Repeal not to impair action, nor affect rights, liabilities etc.

they might under the laws then existing, unless it shall be otherwise specially provided by law.

Similar and other saving clauses, *Statutory construction law*, 1892, §31-33.

Continuation
not new
enactment

Revival

References

Repeal

§ 54 Construction. The provisions of this act, so far as they are substantially the same as those of the laws herein repealed, shall be construed as a continuation of such laws, modified or amended according to the language employed in this act, and not as new enactments. Repeals in this act shall not revive any law repealed by any law hereby repealed but shall include all laws amendatory of the laws hereby repealed. References in laws not repealed to provisions of law incorporated in this chapter and repealed shall be construed as applying to the provisions so incorporated. Nothing in this act shall be construed to repeal any provision of the criminal or penal code. Nothing in chapter 182 of the laws of 1898 as amended by ch.581, laws of 1899, shall be construed to repeal any portion of this act relating to the establishment and maintenance of free public libraries, or to the appointment or removal of any trustees thereof, or to the duties or powers of such trustees, nor shall it be construed to repeal any statute authorizing or fixing any appropriation for the use and maintenance of any such library, but such libraries shall be established and maintained, and have such appropriations for their uses and maintenance and their trustees shall be appointed and removed and have such duties and powers as provided by this act and other statutes of the state independent of said ch.182 of the laws of 1898, as amended aforesaid. [*As amended by laws of 1900, ch.22*]

§ 55 To take effect. This act to take effect immediately.

Schedule of laws repealed

Rev. laws of 1813	Chapter 59	Section All	Rev. stat. pt 1	Chapter 9, tit. 8; 6, 7, 8	Section
Rev. stat. pt 1	5, tit. 3; 5		Rev. stat. pt 1	15, tit. 1; All	

Year	Chap.	Sec.	Year	Chap.	Sec.	Year	Chap.	Sec.
1815	207	All	1847	212	1-2	1859	426	1
1818	276	All	1848	262	2-3	1860	518	1-2
1832	8	3-4	1848	372	All	1865	697	All
1834	140	2	1849	175	1-5	1868	179	1-2
1835	34	3	1849	266	All	1869	774	All
1835	123	2-3	1850	360	1-3	1870	60	1-2
1836	142	1	1851	396	All	1870	51	All
1838	237	8-9	1851	536	1, 3	1870	557	1-5
1839	226	All	1851	544	All	1871	711	1-3
1839	315	1-2	1852	366	1	1872	746	1-5
1840	245	1-2	1853	184	All	1873	642	4
1840	246	All	1854	80	1	1875	176	All
1840	381	3	1855	91	1-2	1875	372	All
1842	142	All	1855	50	All	1876	132	1-2
1842	149	1, 3-6	1855	410	1-2	1877	163	All
1843	85	1, 4	1855	471	1-3	1879	289	All
1844	254	1-3	1856	168	1-3	1880	514	1
1844	255	1, 3, 5-7	1856	54	All	1881	120	All
1845	179	1, 3	1857	355	1-3	1881	679	All
1845	85	1, 3	1857	527	All	1886	493	All
1846	132	1-5	1858	81	1-2	1887	652	All
1847	190	1	1859	395	1-3	1889	529	All

SPECIAL LAWS

Academic fund

¹*Laws of 1901, ch.498 ("Horton law")*

§2 In addition to the \$106,000 now apportioned to academic schools in accordance with the laws of 1892, ch.378, §26, there shall be appropriated annually for the academic fund \$244,000 so that each school of academic grade certified to the Comptroller by the Regents of the University as having complied with all laws and ordinances during the preceding academic year, and as being entitled to share in the academic fund may receive:

Annual appropriation for academic fund \$350,000

1 A quota of \$100.

2 A grant equal to the amount raised from local sources but not to exceed \$250 annually, for approved books and apparatus.

3 A proportionate share of the balance on the basis of the attendance of academic students according to the University ordinances.

§ 2 This act shall take effect Oct. 1, 1901.

See also *University law*, §26.

¹ Superseded by laws of 1905, chapter 699.

University made wampum-keeper of Onondaga nation

Laws of 1899, ch.153

University
made wam-
pum-keeper

§ 1 The University of the State of New York, which was duly elected to the office of wampum-keeper by the Onondaga nation on Feb. 26, 1898, and which by unanimous action of its Regents on Mar. 22, 1898, accepted such election as authorized to do by law, and which accepted the custody of the wampums as formally transferred to the Chancellor as part of the exercises and with the unanimous approval, both of the election and transfer, by the council of the Five Nations held in the Senate chamber of the Capitol at Albany on June 22, 1898, by duly chosen representatives of all the original nations of the Ho-de-no-sau-nee, shall hereafter be recognized in all courts and places, as having every power which has ever, at any time, been exercised by any wampum-keeper of the Onondaga nation, or of any of the Ho-de-no-sau-nee, otherwise known as the Five Nations, or the Six Nations, or the Iroquois, and shall keep such wampums in a fire-proof building, as public records, forever, and is hereby authorized to secure by purchase, suit, or otherwise, any wampums which have ever been in the possession of any of the Ho-de-no-sau-nee, or any preceding wampum-keeper, and which is now owned by any of them or to which any of them is entitled, or to which it is entitled, in law or in equity; and to maintain and carry on suit to recover any of such wampums in its own name or in the name of the Onondaga nation at any time notwithstanding that the cause of action may have accrued more than six years, or any time, before the commencement of any such suit.

§ 2 The provisions of this act shall not apply to the subject matter of any litigation now pending in any court of this state.

Certificate to collect for scientific purposes

Laws of 1900, ch.20, as amended by laws of 1904, ch.580

Certificates
to collect
for scientific
purposes

§ 36 **Certificate to collect for scientific purposes.** A certificate may be issued by the Commission,¹ to any person upwards of 18 years of age, permitting the holder thereof to collect birds, birds' nests or eggs for scientific purposes. Before such certificate is issued, the applicant must file written testimonials from two well known scientific men certifying to his good character and fitness to be intrusted with the privilege. Every applicant except an officer

¹ Fish, Forest and Game Commission.

of the New York State Museum, must pay \$1 for the expense of issuing the certificate, and must file a bond in the penal sum of \$200 with two responsible and approved sureties, conditioned that he will not violate the provisions of this act, or avail himself of the privileges of said certificate for other than scientific purposes. Such a certificate shall be in force for one year only from the date of issue and shall not be transferable.

EDUCATIONAL CORPORATIONS

Incorporation

State Constitution, art.8

§ 1 Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation can not be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

Incorporation
by special act
forbidden

Exceptions

Membership corporations law, 1895, ch.559, art.2

§ 30 Purposes for which corporations may be formed under this article. A membership corporation may be created under this article for any lawful purpose, except a purpose for which a corporation may be created under any other article of this chapter, or any other general law than this chapter.

Permits crea-
tion only of
corporations
not otherwise
provided for

See also *University law, §27, §32*. The Statutory Revision Commission called special attention before the enactment of this law to the fact that it would not allow incorporation, except by the Regents, of any library, museum, or other institution or association for the promotion of science, literature, art, history, or other department of knowledge. All such corporations must hereafter be created only under §27 of the University law and by act of the Regents.

Organization tax

Tax law, as amended by laws of 1897, ch.369 and laws of 1901, ch.448

§ 180 Organization tax. Every stock corporation incorporated under any law of this state shall pay to the State Treasurer a tax of one twentieth of 1% upon the amount of capital stock which the corporation is authorized to have, and a like tax upon any subsequent increase. Provided, that in no case shall such tax be less than \$1. Such tax shall be due and payable upon the incorporation of such corporation or upon the increase of its

Stock corpora-
tions pay a
tax of $\frac{1}{20}$ of 1%

capital stock. Except in the case of a railroad corporation, neither the Secretary of State nor county clerk shall file any certificate of incorporation or article of association, or give any certificate to any such corporation or association until he is furnished a receipt of such tax from the State Treasurer, and no stock corporation shall have or exercise any corporate franchise or powers, or carry on business in this state until such tax shall have been paid. In case of the consolidation of existing corporations into a corporation, such new corporation shall be required to pay the tax hereinbefore provided for only upon the amount of its capital stock in excess of the aggregate amount of capital stock of said corporations. This section shall not apply to state and national banks or to building, mutual loan, accumulating fund and cooperative associations. A railroad corporation need not pay such tax at the time of filing its certificate of incorporation, but shall pay the same before the railroad commissioners shall grant a certificate, as required by the railroad law, authorizing the construction of the road as proposed in its articles of association, and such certificate shall not be granted by the Board of Railroad Commissioners until it is furnished with a receipt for such tax from the State Treasurer.

Powers

General corporation law, as amended by laws of 1892, ch.687

§ 11 **Grant of general powers.** Every corporation as such has power, though not specified in the law under which it is incorporated. . . [*As amended by laws of 1895, ch.672, §1*]

Power to acquire, hold and dispose of property 3 To acquire by grant, gift, purchase, devise or bequest, to hold and to dispose of such property as the purposes of the corporation shall require, subject to such limitations as may be prescribed by law. . .

Residence of directors
Majority a quorum § 29 **Quorum of directors and powers of majority.** The affairs of every corporation shall be managed by its board of directors at least one of whom shall be a resident of this state. Unless otherwise provided by law a majority of the board of directors of a corporation at a meeting duly assembled shall be necessary to constitute a quorum for the transaction of business, and the act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors. Subject to the bylaws, if any, adopted by the members of a corporation, the directors may make necessary bylaws of the corporation. [*As amended by laws of 1901, ch.214*]

Act of quorum is act of board

Directors may make bylaws

Property holding

General corporation law, as amended by laws of 1894, ch.400

§ 12 **Enlargement of limitations upon the amount of the property of nonstock corporations.** If any general or special law heretofore passed, or any certificate of incorporation, shall limit the amount of property a corporation other than a stock corporation may take or hold, such corporation may take and hold property of the value of \$3,000,000 or less, or the yearly income derived from which shall be \$500,000 or less, notwithstanding any such limitations. In computing the value of such property, no increase in value arising otherwise than from improvements made thereon shall be taken into account.

Limit of
property
\$3,000,000;
of income
\$500,000

Regents may authorize educational corporations to hold property in excess of limit fixed by law, *University law*, §34, sub§5.

§ 13 **Acquisition of additional real property.** When any corporation shall have sold or conveyed any part of its real property, the Supreme Court may, notwithstanding any restriction of a general or special law, authorize it to purchase and hold from time to time other real property, upon satisfactory proof that the value of the property so purchased does not exceed the value of the property so sold and conveyed within the three years next preceding the application.

Supreme Court
may authorize
corporation to
buy and hold
property

Proviso

Dissolution of incorporated academies

Code of civil procedure, as amended by laws of 1903, ch.290

§ 1804 Articles second, third, and fourth of this title do not apply to a religious corporation; to a municipal or other corporation, created by the Constitution, or by or under the laws of the state; or to any corporation which the Regents of the University have power to dissolve, except upon the application of the Regents, or of the trustees of such a corporation, and in aid of its liquidation under such dissolution.

§ 1810 A receiver of the property of a corporation can be appointed only by the court, and in one of the following cases:

1 An action, brought as prescribed in article second, third or fourth of this title.

2 An action brought for the foreclosure of a mortgage upon the property, of which the receiver is appointed, where the mortgage debt, or the interest thereupon, has remained unpaid, at least 30 days after it was payable, and after payment thereof

was duly demanded of the proper officer of the corporation and where either the income of the property is specifically mortgaged, or the property itself is probably insufficient to pay the mortgage debt.

3 An action brought by the Attorney General, or by a stockholder, to preserve the assets of a corporation, having no officer empowered to hold the same.

4 A special proceeding for the voluntary dissolution of a corporation.

5 Upon the application of the Regents of the University, in aid of the liquidation of a corporation whose dissolution they contemplate or have decreed; or upon the application of the trustees of such a corporation, with notice to the Regents.

Where the receiver is appointed in an action, otherwise than by or pursuant to a final judgment, notice of the application for his appointment must be given to the proper officer of the corporation.

Laws of 1889, ch.25

§ 1 The trustees of any academy incorporated under the laws of this state and having a capital stock, may, and upon the written application of any person or persons owning or lawfully holding one third of the said capital stock, must call a general meeting of the stockholders of the said academy, as hereinafter provided for the purpose of determining whether or not such incorporated academy shall surrender its charter and be dissolved and its property distributed among the stockholders thereof.

§ 2 The notice for such general meeting must state the object thereof and must be subscribed by the chairman or other acting presiding officer and the secretary or acting secretary of the said corporation or board of trustees; it shall be published once a week for three successive weeks prior to such meeting in a daily or weekly newspaper published in the place where the said academy is located; or if there be no such paper, then in a daily or weekly paper published within the county, if there be one, or if not, in an adjoining county to that in which such academy is located.

§ 3 Whenever, at a meeting of stockholders called as hereinbefore provided, any person or persons holding or qualified to vote upon a majority of the capital stock of such incorporated academy shall vote to surrender the charter thereof and to dissolve the corporation, the trustees of such academy, or a majority of them, must make and sign a certificate of such action, cause the same to be properly attested by the officers of the corporation and file the same,

Meeting to consider dissolution to be called on application of owners of third of stock

Form of notice

Must be published weekly for three weeks before meeting

Vote requisite for surrender of charter and dissolution

Attested certificate of action must be filed with Regents

together with a copy of the published notice for the meeting at which such action was taken, and due proof of the publication thereof, in the office of the Secretary of the Board of Regents of the University of the State of New York; and thereupon, if the said proceeding shall have been regularly conducted as above prescribed, the charter of said corporation shall be deemed to be surrendered and the said corporation dissolved.

Effect thereof

§ 4 Upon the dissolution of such incorporated academy, as herein provided, the trustees thereof shall forthwith, become and be trustees of the creditors and stockholders of the corporation dissolved. They shall have full power to settle the affairs of the said corporation; to collect and pay the outstanding debts; to sue for and recover debts and property thereof by the name of the trustees of said corporation; to sell and dispose of the property thereof, at public or private sale, and to divide among the stockholders the moneys or other property that shall remain after the payment of debts and necessary expenses.

Trustees of academies so dissolved have full power to settle affairs of corporation

§ 5 The said trustees may, after the dissolution of the said corporation, insert in a newspaper published in the place where the said academy is located, or if there be none such then in a newspaper published within the county, if there be one, or, if not, in an adjoining county, a notice once in each week for three successive months, requiring all persons having claims against the said corporation dissolved to present the same, with proof thereof to the said trustees, at the place designated in such notice, on or before a day therein named which shall not be less than three months from the first publication thereof. In case any action shall be brought upon any such claim which shall not have been presented to the said trustees within three months from the first publication of such notice, the said trustees shall not be chargeable for any assets, moneys, or proceeds of the said corporation dissolved, which they may have paid in satisfaction of other claims against the said corporation, or in making distribution to the stockholders thereof, before the commencement of such action.

Notice to creditors to present claims may be published weekly for three months

Proviso

§ 6 Upon the distribution by the said trustees of assets or property, or the proceeds thereof, of the dissolved corporation among its stockholders the said trustees may require the certificates of ownership of capital stock, if such have been issued, standing in the name of any stockholder claiming a distributive share, or under whom such share is claimed, to be surrendered for cancelation by such stockholder or person claiming the said share; in the event of the nonproduction of any such certificate, the said trustees may

Surrender of stock scrip on distribution of assets to shareholders

Proof as to
loss of scrip

require satisfactory proof of the loss thereof, or of any other cause for such nonproduction, together with such security as they may prescribe, before payment of the distributive share to which the person or persons claiming upon such share of stock may appear to be entitled.

Notice of dis-
tribution to
absent and
unknown
stockholders

§ 7 In case the said trustees upon such distribution by them of assets or property, or the proceeds thereof, of the dissolved corporation among its stockholders, shall be unable to find any of the said stockholders or the persons lawfully owning or entitled to any portion of the said capital stock, they shall give notice in the manner hereinabove provided for calling the general meeting of the stockholders, of such distribution, to the persons in whose name such stock shall stand upon the books of the said corporation, requiring them to appear at a time and place designated, to receive the portion of such assets or property to which they may be entitled; in case of the failure of any such persons to so appear, it shall be lawful for the said trustees to pay over and deliver to the county treasurer of the county wherein such academy was located, or to any trust company or other corporation located within such county and authorized to receive moneys on deposit under order or judgment of a court of record, the proportion of the assets, property or proceeds aforesaid which such nonappearing stock bears to the whole stock; the said trustees shall also deliver therewith a list of the persons entitled to receive the same, together with the separate amounts to which they shall be severally entitled.

Deposit of un-
claimed stock
and list of
owners with
county treas-
urer

Liability of
trustees
ceases on
completion of
duties above
prescribed

§ 8 Upon the payment and discharge of the debts and obligations of the corporation dissolved, as hereinbefore provided, and the distribution of its assets, property and proceeds among the stockholders thereof, and due provision made, as hereinabove prescribed, for the interests of nonappearing stockholders and such as can not be found, the said trustees shall become and be relieved and discharged from further duty, liability and responsibility by reason of their relation to the said corporation, or towards the stockholders thereof.

Duties and
liabilities of
county treas-
urers as to
deposits of
unclaimed
stock

§ 9 Any county treasurer, trust company or other corporation to whom assets, property or proceeds shall be delivered as herein provided, shall hold the same in trust for the persons designated and entitled to receive it; and upon receiving satisfactory proof of the right and title thereto, or upon the order of any court of record competent to adjudicate thereupon, shall pay over and deliver to any person or persons entitled to receive the same the portion of such proceeds, property or assets to which he or they shall be entitled.

Devises and bequests

Limitation of bequests

Laws of 1860, ch.360

§ 1 No person having a husband, wife, child or parent, shall, by his or her last will and testament, devise or bequeath to any benevolent, charitable, literary, scientific, religious or missionary society, association or corporation, in trust or otherwise, more than one half part of his or her estate, after the payment of his or her debts (and such devise or bequest shall be valid to the extent of one half, and no more).

Bequest limited to half estate of person having husband, wife, child or parent

§ 2 All laws and parts of laws inconsistent with this act are hereby repealed.

Repeals

For the purpose of ascertaining the estate, only half of which can be devised to charitable or educational corporations, under the act of 1860, the widow's dower and the debts are to be first deducted.

A testator can not give to two or more corporations in the aggregate more than he can give to a single object; viz, one half of his estate [Chamberlain *v.* Chamberlain, 43 N. Y. 425].

To ascertain whether the sums bequeathed to charitable corporations exceed one half the estate, when the sums so bequeathed are first given for life to other persons, the present value in money of the estate and the present value of the portion given must be estimated by the help of annuity tables [Hollis *v.* Drew Theological Seminary, 95 N. Y. 166]. Heirs at law of a testator, however remote their relationship may be, are entitled to raise the objection that a devise or bequest is invalid under the act of 1860 [Rich *v.* Tiffany, 2 App. div. 25].

Laws of 1848, ch.319

§ 6 Any corporation formed under this act, shall be capable of taking, holding or receiving any property, real or personal, by virtue of any devise or bequest contained in any last will and testament of any person whatsoever, the clear annual income of which devise or bequest shall not exceed the sum of \$10,000; provided, no person leaving a wife or child or parent, shall devise or bequeath to such institution or corporation more than one fourth of his or her estate, after the payment of his or her debts, and such devise or bequest shall be valid to the extent of such one fourth, and no such devise or bequest shall be valid, in any will which shall not have been made and executed at least two months before the death of the testator.

Bequest legal if income not more than \$10,000

Proviso as to family of testator;

as to date of will

The proviso which forbids the taking of a devise in a will made not more than two months before death, is not repealed by ch.360 of the laws of 1860 [Lefevre *v.* Lefevre, 59 N. Y. 449].

The limitation contained in the act has exclusive reference to corporations formed under it [Hollis *v.* Drew Theological Seminary, 95 N. Y. 166].

See 79 N. Y. 327; 77 Hun 298; 33 App. div. 49; 22 Misc. 198.

Validity of bequests*Laws of 1893, ch.701*

Gifts not in-
validated by
indefiniteness
as to benefi-
ciaries

§ 1 No gift, grant, bequest or devise to religious, educational, charitable, or benevolent uses, which shall, in other respects be valid under the laws of this state, shall or be deemed invalid by reason of the indefiniteness or uncertainty of the persons designated as the beneficiaries thereunder in the instrument creating the same.

Title vests in
trustee, or in
Supreme Court

If in the instrument creating such a gift, grant, bequest or devise there is a trustee named to execute the same, the legal title to the lands or property given, granted, devised or bequeathed for such purposes shall vest in such trustee. If no person be named as trustee then the title to such lands or property shall vest in the Supreme Court.

Supreme Court
to control
gifts herein
provided for

§ 2 The Supreme Court shall have the control over gifts, grants, bequests and devises in all cases provided for by section 1 of this act. The Attorney General shall represent the beneficiaries in all such cases and it shall be his duty to enforce such trusts by proper proceedings in the court.

Attorney Gen-
eral to repre-
sent benefi-
ciaries

See also L. 1901, ch.291.

Ch. 701 of the laws of 1893 can have no retroactive force and does not apply to a case where the property had, by the death of the testator, vested before the statute went into effect [Butler *v.* Trustees, 92 Hun 96; People *v.* Powers, 147 N. Y. 109; Simmons *v.* Burrell, 8 Misc. 395].

Laws of 1841, ch.261

Devise and
bequest in
trust to be as
valid as a
conveyance

§ 1 Devises and bequests of real and personal property in trust, for any of the purposes for which such trusts are authorized under the "Act authorizing certain trusts," passed May 14, 1840, and to such trustees as are therein authorized, shall be valid in like manner as if such property had been granted and conveyed according to the provisions of the aforesaid act.

See also L. 1890, ch.160; 1892, ch.25; 1896, ch.53.

The acts of 1840 and 1841 authorizing charitable and educational corporations to take property in trust without any expressed limit, are not to be construed as extending the capacity to take [if] by their charters [they are] limited to a fixed sum [Chamberlain *v.* Chamberlain, 43 N. Y. 425].

Authorizing certain trusts*Laws of 1840, ch.318*

Trust to in-
corporated
educational
institutions to
maintain:

§ 1 Real and personal property may be granted and conveyed to any incorporated college or other literary incorporated institution in this state, to be held in trust for either of the following purposes:

observatory;

1 To establish and maintain an observatory.

professor-
ships etc.;

2 To found and maintain professorships and scholarships.

3 To provide and keep in repair a place for the burial of the dead; or burial places;

4 For any other specific purposes comprehended in the general objects authorized by their respective charters. The said trusts may be created, subject to such conditions and visitations as may be prescribed by the grantor or donor, and agreed to by said trustees, and all property which shall hereafter be granted to any incorporated college or other literary incorporated institution in trust for either of the aforesaid purposes, may be held by such college or institution upon such trusts, and subject to such conditions and visitations as may be prescribed and agreed to as aforesaid. or to be used for other specific purposes within scope of charter

§ 2 Real and personal estate may be granted and conveyed to the corporation of any city or village of this state, to be held in trust for any purpose of education, or the diffusion of knowledge, or for the relief of distress, or for parks, gardens, or other ornamental grounds, or grounds for the purposes of military parades and exercise, or health and recreation, within or near such incorporated city or village, upon such conditions as may be prescribed by the grantor or donor, and agreed to by such corporation; and all real estate so granted or conveyed to such corporation, may be held by the same, subject to such conditions as may be prescribed and agreed to as aforesaid. Property may be granted to city or village corporations in trust for education etc

§ 3 Real and personal estate may be granted to commissioners of common schools of any town, and to trustees of any school district, in trust for the benefit of the common schools of such town, or for the benefit of the schools of such district. To commissioners for use of common schools

§ 4 The trusts authorized by this act may continue for such time as may be necessary to accomplish the purposes for which they may be created. Trusts to continue till their purpose is accomplished

See also L. 1892, ch.516.

Accumulation of income from trust fund

Laws of 1846, ch.74

§ 1 The income arising from any real or personal property granted or conveyed, devised or bequeathed in trust to any incorporated college, or other incorporated literary institution, for any of the purposes specified in the "Act authorizing certain trusts," passed May 14, 1840, or for the purpose of providing for the support of any teacher in a grammar school or institute, may be permitted to accumulate till the same shall amount to a sum sufficient in the opinion of the Regents of the University, to carry into effect either of the purposes aforesaid, designated in said trust. Income of trust funds may accumulate till deemed by Regents sufficient for purpose

Supplying diminution of principal

Laws of 1855, ch.432

§ 1 If any of the principal of any trust fund actually received by any incorporated college, or other incorporated literary institution, or by the corporation of any city or village, or by the commissioners of common schools of any town, or by the trustees of any school district, under any grant, conveyance, devise or bequest, for any of the purposes for which trusts are authorized under the "Act authorizing certain trusts," passed May 14, 1840, and the act in addition to the act authorizing certain trusts, passed May 26, 1841, shall subsequently become diminished from any cause; such diminution may be made up by the accumulation of the interest or income of the principal of such trust fund, in accordance with the directions (if any) contained in the grant, conveyance, devise or bequest of such trust fund; and if no directions for that purpose are contained in such grant, conveyance, devise or bequest, then such diminution may be made up in whole or in part by such accumulation, in the discretion of the trustees of such trust fund; but in no case shall such accumulation be allowed to increase the trust fund, beyond the true amount of value thereof, actually received by the trustees, to be estimated after the deduction of all liens and incumbrances on such trust fund, and of all expenses incurred or paid by the trustees in the collection or obtaining the possession of the same.

Diminution to be made up by accumulation of income as directed in conveyance of fund

If no directions in conveyance, by accumulation according to discretion of trustees

Fund not to accumulate beyond original amount

Exemption from taxation

Tax law, as amended by laws of 1897, ch.371

§ 4 **Exemption from taxation.** The following property shall be exempt from taxation . . .

Real property of educational or benevolent organizations used for corporate purposes, also personal property, exempt from taxation

7 The real property of a corporation or association organized exclusively for the moral or mental improvement of men or women, or for religious, Bible, tract, charitable, benevolent, missionary, hospital, infirmary, educational, scientific, literary, library, patriotic, historical or cemetery purposes, or for the enforcement of laws relating to children or animals, or for two or more of such purposes, and used exclusively for carrying out thereupon one or more of such purposes, and the personal property of any such corporation shall be exempt from taxation. But no such corporation or association shall be entitled to any such exemption if any officer, member or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for

Money-making corporations not exempt

services in effecting one or more of such purposes, or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof, for any such avowed purposes, be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employees, or if it be not in good faith organized or conducted exclusively for one or more of such purposes. The real property of any such corporation or association entitled to such exemption held by it exclusively for one or more of such purposes, and from which no rents, profits or income are derived, shall be so exempt, though not in actual use therefor, by reason of the absence of suitable buildings or improvements thereon, if the construction of such buildings or improvements is in progress, or is in good faith contemplated by such corporation or association. The real property of any such corporation not so used exclusively for carrying out thereupon one or more of such purposes, but leased or otherwise used for other purposes shall not be exempt; but if a portion only of any lot or building of any such corporation or association is used exclusively for carrying out thereupon one or more such purposes of any such corporation or association, then such lot or building shall be so exempt only to the extent of the value of the portion so used, and the remaining or other portion to the extent of the value of such remaining or other portion shall be subject to taxation; provided, however, that a lot or building owned and actually used for hospital purposes, by a free public hospital, depending for maintenance and support upon voluntary charity shall not be taxed as to a portion thereof leased or otherwise used for the purposes of income, when such income is necessary for, and is actually applied to, the maintenance and support of such hospital. Property held by any officer of a religious denomination shall be entitled to the same exemptions subject to the same conditions and exceptions as property held by a religious corporation.

Unproductive real estate held for future occupation exempt

Real property used for other purposes not exempt

That part of real property used for corporate purposes, exempt; rest taxable

Property of religious denomination exempt

Buildings erected and used for private incorporated seminaries of learning, are not exempted from taxation [*Chegaray v. Mayor, etc. of N. Y.* 13 N. Y. 220; *Church of St Monica v. Mayor, etc. of N. Y.* 119 N. Y. 91, 94].

The property in question must be exclusively used as a seminary of learning in order to be relieved from taxation [*People v. Campbell*, 93 N. Y. 196].

An incorporated academy, or seminary of learning, does not waive or forfeit the exemption from taxation given by the statute (1 R. S. 388, §4, sub§3), by leasing the building and premises used by it as a boarding house during the usual summer vacation [*Temple Grove Seminary v. Cramer*, 98 N. Y. 121].

The American Geographical Society located in the city of New York is entitled to exemption from taxation as a public library [People v. Tax Comm'rs, 11 Hun 505].

The fact that an entrance fee or tuition is charged to those seeking their benefits, does not deprive charitable and educational institutions of the exemption from taxation, to which they otherwise would be entitled [Matter of will of Vassar, 127 N. Y. 1, 14; County of Northampton v. Lafayette College, 128 Pa. St. 132].

Exceptions and limitations to taxable transfers

Tax law, as amended by laws of 1898, ch.88 and 1901, ch.458

Bequests of
personal prop-
erty other than
money or secu-
rities exempt

§ 221 **Exceptions and limitations.** . . . But any property heretofore or hereafter devised or bequeathed to any person who is a bishop or to any religious corporation including corporations organized exclusively for Bible or tract purposes shall be exempted from and not subject to the provisions of this act. There shall also be exempted from and not subject to the provisions of this act personal property other than money or securities bequeathed to a corporation or association organized exclusively for the moral or mental improvement of men or women or for charitable, benevolent, missionary, hospital, infirmary, educational, scientific, literary, library, patriotic, cemetery or historical purposes or for the enforcement of laws relating to children or animals or for two or more of such purposes and used exclusively for carrying out one or more of such purposes. But no such corporation or association shall be entitled to such exemption if any officer, member, or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof except reasonable compensation for services in effecting one or more of such purposes or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof for any such avowed purpose be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association or for any of its members or employees or if it be not in good faith organized or conducted exclusively for one or more of such purposes.

College waterworks and sewer systems

Laws of 1895, ch.630

Incorporated
college may
construct and
maintain
waterworks

§ 1 Every incorporated college in this state is duly authorized and empowered to construct and maintain a system of waterworks for the purpose of supplying its college buildings and premises with pure and wholesome water for domestic, sanitary and fire purposes,

and for the preservation of the health of its students, faculty and employees, and for the preservation of the public health of the town, village or city in or near which such college is located, and the construction and maintenance of such waterworks is declared to be a public use. Such waterworks, as often as necessary, may be enlarged or improved.

Waterworks may be enlarged or improved

§ 2 Any such college shall have the right to acquire real estate, or any interest therein, necessary or proper for such waterworks, and the right to lay, relay, repair and maintain conduit and water pipes, with connections and fixtures, on, through and over the lands of others; the right to intercept and divert the flow of waters from the lands of riparian owners, and from persons owning and interested in any waters; and the right to prevent the flow or drainage of noxious, or impure, or unwholesome matter from the lands of others into its reservoirs, or sources of supply. But no such college shall ever have power to take or use water from any of the lands of this state, or any land, reservoir, or feeders, or any streams which have been taken by the state for the purpose of supplying the canals with water.

College may acquire land for waterworks

Waters belonging to others may be diverted

Sources may be protected

Water from canal feeders must not be diverted

§ 3 The consent of an incorporated village or city must be obtained to lay any such pipes in or through its streets, and such consent may be accompanied by such reasonable conditions or restrictions as are proper.

Consent of city or village to laying pipes necessary

§ 4 Such college may cause such examinations and surveys for its proposed waterworks to be made as may be necessary to determine the proper location thereof, and for such purpose, by its officers, agents and servants, may enter upon any lands or waters in the vicinity for the purpose of making such examinations and surveys, subject to liability for all damage done.

College may enter lands or waters to make surveys

§ 5 When surveys or examinations are made or concluded, a map shall be made of the lands or interests to be taken or entered upon, and on which the land or interests of each owner or occupant shall be designated, and all streets and roads in which it is proposed to lay conduit pipes, with the proposed line thereof, which map shall be dated and signed by the engineer making the same. And said map shall be filed and kept in the college library for examination and reference, and a duplicate thereof shall be filed in the clerk's office in each county wherein any of such lands or interests proposed to be taken are located.

Map of survey to be filed in college library; duplicate in county clerk's office

§ 6 Such examinations and surveys may be ordered and directed by the president, or acting president, and a majority of the faculty of such college. A majority of the trustees shall determine

President and faculty may order survey

Trustees to
authorize con-
struction

upon the construction of such waterworks and the plans thereof, and order contracts therefor to be made by such officers of the college as may be designated.

Necessary
property may
be condemned

§ 7 If any such college shall be unable to agree upon such terms of purchase of any such property, rights, or easements, before or after plans shall be determined upon, it may, after such plans have been adopted, acquire the same by condemnation, according to the provisions of the condemnation law.

Condemnation law, 1890, ch.95.

College may
construct
sewer system

§ 8 When any such college has constructed and completed waterworks, as above provided, it may, by a majority of its trustees, determine upon and construct a sewer system; and may connect the same with the sewer system of the village or city in or near which said college is situated, if such connection is practicable. Examination, surveys and a map may be made as above provided. Lands and easements may be acquired by purchase, as above provided, and in case such acquisition can not be made by purchase then they may be acquired by condemnation, according to the provisions of the condemnation law.

Condemnation law, 1890, ch.95.

May connect
with village
system

May acquire
rights by con-
demnation

LIBRARIES

Public libraries

General municipal law, as amended by laws of 1896, ch.576

Municipality
may establish
library under
University
law

§ 24 **Free public libraries.** Any municipal corporation may establish and maintain a free public library or museum in accordance with the library provisions of the University law, being ch.378 of the laws of 1892.

See also *University law, §35-51, and title 13, Consolidated school law.*

State hospital libraries

Insanity law, 1896, ch.545

Regents may
furnish at ex-
pense of hos-
pital

§ 39. . . Libraries may be furnished to any state hospital by the Regents of the University of the State of New York, subject to regulations adopted by them and the commission [in lunacy], the expense of which shall be included in the monthly estimates of the hospital.

Court of Appeals libraries

Laws of 1849, ch.300, §1

PROFESSIONAL AND TECHNICAL TRAINING AND EXAMINATIONS

Practice of law

Laws of 1895, ch.946

§ 57 **Rules, how changed.** The rules established by the Court of Appeals, touching the admission of attorneys and counselors to practise in the courts of record of the state, shall not be changed or amended, except by a majority of the judges of that court. A copy of each amendment to such rules must, within five days after it is adopted, be filed in the office of the Secretary of State; who must transmit a printed copy thereof to the clerk of each county, and to the presiding justice of the appellate division of the Supreme Court, in each judicial department, and also cause the same to be published in the next ensuing volume of the session laws.

Rules for admission to bar may be changed only by majority of Court of Appeals

Places of filing

To be published in session laws

Law student examinations

Rules 5 and 6 of the Court of Appeals

Adopted, Oct. 22, 1894; to take effect, Jan. 1, 1895

The University is responsible only for the preliminary general education of law students.

Superior figures refer to the subjoined "Notes on law student examinations."

Rule 5, §3 Applicants who are not graduates of a college or university or members of the bar as above prescribed, shall, before entering upon the clerkship or attendance at a law school herein prescribed, or within one year thereafter, have passed an examination conducted under the authority and in accordance with the ordinances and rules¹ of the University of the State of New York, in English composition, advanced English, first year Latin, arithmetic, algebra, geometry, United States and English history, civics and economics, or in their substantial equivalents² as defined by the rules of the University, and shall have filed a certificate of such fact signed by the Secretary of the University with the clerk of the Court of Appeals, whose duty it shall be to return to the person named therein a certified copy of the same showing the date of such filing. The Regents may³ accept as the equivalent of and substitute for the examination in this rule prescribed either, first, a certificate properly authenticated,⁴ of having successfully completed a full⁵

College graduation admission to bar, or Regents certificate a prerequisite for clerkship or matriculation in law school

Equivalents

year's course of study in any⁶ college or university; second, a certificate properly authenticated,⁴ of having satisfactorily completed a three years course of study in any institution registered⁷ by the Regents as maintaining a satisfactory academic standard; or, third, a Regents diploma.⁸ The Regents certificate above prescribed shall be deemed to take effect as of the date of the completion of the Regents examination, as the same shall appear upon said certificate.

Regents
certificate
to date from
completion of
examination

Options

Rule 6, §7 A law student whose clerkship or attendance at a law school has already begun, as shown by the record of the Court of Appeals, or of any incorporated law school, or law school established in connection with any college or university, may, at his option, file or produce instead of the proofs required by these rules, those required by the rules of the Court of Appeals adopted Oct. 28, 1892.⁹

NOTES ON LAW STUDENT EXAMINATIONS

1 These rules and other details of the Regents examinations are given in the examination handbook, to be had free on application.

2 The court does not allow any equivalents for the individual studies here named but only the equivalents for the entire group.

3 The acceptance of equivalents by the Regents is permissive, not mandatory. They accept equivalents therefor only in accordance with the rules found necessary to protect the state against unqualified candidates. The Regents may accept evidence of completion in a registered school of one or more years of satisfactory high school work, and Regents examinations in subjects representing the balance of the required three year course (any 12 or 24 old additional counts, 15 or 30 new).

4 Certificates should be issued in due form by the president, dean or principal of the institution; and should be signed under seal or acknowledged before a notary, unless the institution is in the University of the State of New York and the signature of the officer issuing is well known in the Regents office.

5 The Regents count 40 weeks as a full academic year. If the candidate has passed successfully in a registered institution all the examinations for a full year's work, the question of actual attendance is not raised.

6 The court and the Regents both refuse to recognize as a college or a university an institution which, though taking the name, in reality does work of a lower grade. Colleges of medicine, pharmacy, dentistry, business colleges and all similar professional and technical schools are not registered as colleges. By college is understood an institution which requires for admission four years of academic or high school preparation in addition to the preacademic or grammar school studies, and which gives four full years of college instruction as a condition of graduation. Institutions with courses of six full years in liberal arts and science are sometimes registered. In all cases however the total of academic and college work must be not less than six years in advance of grammar school studies.

The court also refuses to recognize as "study in a college," work in an academic or lower department conducted and supervised by a college. To be accepted as an equivalent by the Regents the work must be of college grade.

7 Besides the institutions of higher education in the State of New York, inspected by the Regents, institutions in other states and countries are registered on reliable information that the minimum standard is fully met. If credentials are offered from any institution not registered the necessary investigation will be made as promptly as possible and the candidate notified whether the credentials can be accepted. The frequent changes in organization and standards and the practical difficulties of recording the grade of work outside regularly organized institutions have made necessary the rule that credentials from private tutors or from unregistered schools can not be accepted.

8 The term "Regents diploma" as here used includes all credentials by which the University certifies to the completion of a full academic course.

9 All students who had begun their law course or clerkship before Jan. 1, 1895, as shown by the law school or Court of Appeals records, may secure a certificate under the 1892 requirements. All others must meet the advanced requirements under the rules of Oct. 22, 1894.

The rule of 1892 was as follows:

Before any person shall enter upon the clerkship, or substituted course of study hereinafter provided, or in one year thereafter, he shall, if not a graduate of a college or university registered by the Regents as maintaining a satisfactory standard, pass an examination conducted under the authority and in accordance with the ordinances and rules of the University of the State of New York in English composition, first year Latin, arithmetic, geometry, English and United States history, and civics, or in their substantial equivalents defined by the rules of the University, and shall file a certificate of such fact, signed by the secretary of the University, with the clerk of the Court of Appeals, who shall return to the person named therein a certified copy of the same showing the date of such filing.

Law student certificate

On receiving this certificate the candidate must send it to the clerk of the Court of Appeals at Albany, who will file it and return a certified copy on payment of \$1. The Department issues but one certificate to each candidate.

When a candidate does not obtain a law student certificate within one year from the date of filing his certificate of clerkship, it is not necessary to file a new certificate of clerkship; but the period of clerkship in this case will be reckoned from one year prior to the date of earning of the law student certificate as stated therein.

The exact ground covered by these examinations is shown in the *Academic Syllabus* which is mailed prepaid for 25 cents. Examination papers for the year may be had in paper for 25 cents.

Practice of medicine

Public health law, 1893, ch.661, art.8, as amended to June 1902

Definitions. As used in this article.

University

University means University of the State of New York.

Regents

Regents means Board of Regents of the University of the State of New York.

Board

Board means a board of medical examiners of the State of New York.

Medical examiner

Medical examiner means a member of a board of medical examiners of the State of New York.

Medical school

Medical school means any medical school, college, or department of a university, registered by the Regents as maintaining a proper medical standard and as legally incorporated.

Medicine

Medicine means medicine and surgery.

Physician

Physician means physician and surgeon.

Practice of medicine without legal authority forbidden

§ 140 **Qualifications.** No person shall practise medicine after Sep. 1, 1891, unless previously registered and legally authorized or unless licensed by the Regents and registered as required by this article; nor shall any person practise medicine who has ever been convicted of a felony by any court, or whose authority to practise is suspended or revoked by the Regents on recommendation of a state board.

Conviction of felony or withdrawal of license disqualifies

Three boards of medical examiners of seven members each, to serve three years

§ 141 **State boards of medical examiners.** There shall continue to be three separate state boards of medical examiners of seven members each, each of whom shall hold office for three years from Aug. 1 of the year in which appointed. One board shall represent the Medical Society of the State of New York, one the Homeopathic Medical Society of the State of New York and one the Eclectic Medical Society of the State of New York. Each of these three societies shall at each annual meeting nominate twice the number of examiners to be appointed in that year on the board representing it. The names of such nominees shall be annually transmitted under seal by the president and secretary prior to May 1 to the Regents, who shall, prior to Aug. 1, appoint from such lists the examiners required to fill any vacancies that will occur from expiration of term on Aug. 1. Any other vacancy, however occurring, shall likewise be filled by the Regents for the unexpired term. Each nominee before appointment, shall furnish to the Regents proof that he has received the degree of doctor of medicine from some registered medical school and that he has legally practised medicine in this state for at least five years. If

Appointed by Regents from nominees of the three state medical societies

Regents to fill vacancies for unexpired term

Appointees must hold degree of M. D., and must have practised medicine in this state not less than 5 years

no nominees are legally before them from a society the Regents may appoint from members in good standing of such society without restriction. The Regents may remove any examiner for misconduct, incapacity or neglect of duty.

Failure to
nominate

Examiner may
be removed
for cause

§ 142 **Certificate of appointment; oaths; powers.** Every medical examiner shall receive a certificate of appointment from the Regents and before beginning his term of office shall file with the Secretary of State the constitutional oath of office. Each board, or any committee thereof, may take testimony and proofs concerning all matters within its jurisdiction. Each board may, subject to the Regents' approval, make all bylaws and rules not inconsistent with law needed in performing its duty; but no bylaw or rule by which more than a majority vote is required for any specified action by the board shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

Appointees
shall have
certificates
of appoint-
ment from
Regents, and
must take
oath of office

Boards may
take testimony

Shall make
rules subject
to Regents'
approval
Restriction

§ 143 **Expenses.** From the fees provided by this article, the Regents may pay all proper expenses incurred by its provisions except compensation to medical examiners; and any surplus at the end of any academic year shall be apportioned among the three boards pro rata according to the number of candidates whose answer papers have been marked by each.

Regents to
pay expenses
from fees

Surplus to
be divided
among exam-
iners pro rata

§ 144 **Officers; meetings; quorum; committees.** Each board shall annually elect from its members a president and a secretary for the academic year, and shall hold one or more meetings each year pursuant to call of the Regents, who may also call joint meetings of the three boards or of their officers. At any meeting a majority shall constitute a quorum; but questions prepared by the boards may be grouped and edited, or answer papers of candidates may be examined and marked by committees duly authorized by the boards and by the Regents.

Board to elect
president and
secretary, to
meet on call
of Regents

Majority a
quorum; com-
mittees may
edit questions
or examine
answers

§ 145 **Admission to examination.** The Regents shall admit to examination any candidate who pays a fee of \$25 and submits satisfactory evidences, verified by oath, if required, that he

Candidate to
pay fee and to
submit satis-
factory evi-
dence as to:

1 Is more than 21 years of age.

age;

2 Is of good moral character.

character;

3 Has the general education required preliminary to receiving the degree of bachelor or doctor of medicine in this state.

preliminary
education;

4 Has studied medicine not less than four full school years of at least nine months each, including four satisfactory courses

professional
education

¹See also the laws of 1905, chapter 700.

of at least six months each, in four different calendar years in a medical school registered as maintaining at the time a satisfactory standard. New York medical schools and New York medical students shall not be discriminated against by the registration of any medical school out of the state whose minimum graduation standard is less than that fixed by statutes for New York medical schools. The Regents may, in their discretion, accept as the equivalent for any part of the third and fourth requirement, evidence of five or more years' reputable practice, provided that such substitution be specified in the license, and as the equivalent of the first year of the fourth requirement evidence of graduation from a registered college course, provided that such college course shall have included not less than the minimum requirements prescribed by the Regents for such admission to advanced standing. The Regents may also in their discretion admit conditionally to the examination in anatomy, physiology and hygiene, and chemistry, applicants 19 years of age certified as having studied medicine not less than two full years of at least six months each, in two different calendar years, in a medical school registered as maintaining at the time a satisfactory standard provided that such applicants meet the second and third requirements.

5 Has either received the degree of bachelor or doctor of medicine from some registered medical school, or a diploma or license conferring full right to practise medicine in some foreign country unless admitted conditionally to the examinations as specified above, in which case all qualifications, including the full period of study, the medical degree and the final examinations in surgery, obstetrics, pathology and diagnosis and therapeutics, including practice and materia medica must be met. The degree of bachelor or doctor of medicine shall not be conferred in this state before the candidate has filed with the institution conferring it the certificate of the Regents that before beginning the first annual medical course counted toward the degree unless matriculated conditionally as hereinafter specified (three years before the date of the degree), he had either graduated from a registered college or satisfactorily completed a full course in a registered academy or high school; or had a preliminary education considered and accepted by the Regents as fully equivalent; or held a Regents medical student certificate, granted before this act took effect; or had passed Regents examinations as hereinafter

No medical school below New York standard to be registered

Equivalent for educational requirement

Candidate must hold M. B. M. D. or foreign license

M. B. or M. D. not to be conferred till candidate files Regents certificate of:

1 Graduation from college or high school;

2 Education fully equivalent;

3 Medical student certificate;

4 Prescribed examinations

provided. A medical school may matriculate conditionally a student deficient in not more than one year's academic work or 12 counts of the preliminary education requirement, provided the name and deficiency of each student so matriculated be filed at the Regents office within three months after matriculation, and that the deficiency be made up before the student begins the second annual medical course counted toward the degree. Students who had matriculated in a New York medical school before June 5, 1890, and students who had matriculated in a New York medical school before May 13, 1895, as having entered before June 5, 1890, on the prescribed three years study of medicine, shall be exempt from this preliminary education requirement.¹

Conditional
matriculation

Exemption
of students
matriculated
before June 5,
1890; or before
May 13, 1895 if
they began
medical study
before June 5,
1890
Medical
student
certificate
for those
matriculated

A medical student certificate may be earned without notice to the Regents of the conditional matriculation either before the student begins the second annual medical course counted toward the degree or two years before the date of the degree for matriculates in any registered medical school, in the four cases following:

1 For matriculants prior to May 9, 1893, for any 20 counts, allowing 10 for the preliminaries, not including reading and writing.

1 Before May
9, 1893 for 20
counts;

2 For matriculants prior to May 13, 1895, for arithmetic, elementary English, geography, spelling, United States history, English composition and physics, or any 50 counts, allowing 14 for the preliminaries.

2 Before May
13, 1895 for
specified sub-
jects or any
50 counts;

3 For matriculants prior to Jan. 1, 1896, for any 12 academic counts.

3 Before Jan.
1, 1896 for 12
academic
counts;

4 For matriculants prior to Jan. 1, 1897, for any 24 academic counts.

4 Before Jan.
1, 1897 for 24
academic
counts

But all matriculants, after Jan. 1, 1897, must secure 48 academic counts, or their full equivalent, before beginning the first annual medical course counted toward the degree, unless admitted conditionally as hereinbefore specified when the deficiency must be made up before the student begins the second annual medical course counted toward the degree. [*As amended by laws of 1895, ch.636, 1896, ch.111, 1901, ch.646, and 1902, ch.243*]

After Jan. 1,
1897, 48 aca-
demic counts
or full
equivalent
required

This act shall take effect immediately, except that the increase in the required course of medical study from three to four years shall take effect Jan. 1, 1898, and shall not apply to students who matriculated before that date and who received the degree of doctor of medicine before Jan. 1, 1902.

¹This exemption refers to the degree only, not to the licensing examination.

NOTES ON THE LAW AS TO ADMISSION

1 For matriculates prior to Jan. 1, 1897, medical schools are not required to furnish notice of conditional matriculation, and such students may make up the full requirement at any time before beginning the second annual course counted toward the degree, or two years before the date of the degree.

All matriculates after Jan. 1, 1897, must secure 48¹ academic counts or their full equivalent, before beginning the first annual course counted toward the degree unless admitted conditionally, in which case the deficiency is not to exceed 12 academic counts and must be made up before the student begins the second annual course counted toward the degree.

2 The Regents will accept as fully equivalent to the required academic course any one of the following:

a A certificate of having successfully completed at least one full year's course of study in the collegiate department of any college or university, registered by the Regents as maintaining a satisfactory standard.

Certificates should be issued in due form by the president, dean or principal of the institution; and should be signed under seal or acknowledged before a notary, unless the institution is in the University of the State of New York and the signature of the officer issuing is well known in the Regents office.

b A certificate of having passed in a registered institution examinations equivalent to the full collegiate course of the freshman year or to a completed academic course.

Three full academic years of satisfactory work may be accepted as a high school course if completed before Aug. 1, 1896, after which date four full academic years have been required.

c Regents passcards for any 48¹ academic counts or any Regents diploma.

d A certificate of graduation from any registered gymnasium in Germany, Austria or Russia.

e A certificate of the successful completion of a course of five years in a registered Italian *ginnasio* and three years in a *liceo*.

f The bachelor's degree in arts or science, or substantial equivalents from any registered institution in France or Spain.

g Any credential from a registered institution or from the government in any state or country which represents the completion of a course of study equivalent to graduation from a registered New York high school or academy or from a registered Prussian gymnasium.

3 Mar. 22, 1898, the Regents approved the following modifications in requirements for medical student certificates:

a **Partial equivalents.** Evidence of completion in a registered school of one or more years of satisfactory high school work, and Regents examinations in subjects representing the balance of the required four year course (any 12, 24 or 36 additional counts).

b **Cumulative credit.** Regents examinations in second year English or English reading, and in third year English² will be accepted as including the preceding years in those courses.

¹On the basis of the 1900 syllabus; to be increased 25% for examinations on the basis of the 1905 syllabus.

²This applies also to law, academic equivalent, dental and veterinary student certificates.

c Date of certificate. Candidates unable to offer certificates of the required academic work in a registered institution may present evidence to the Regents that they had the required preliminary education before beginning the second annual course counted toward the degree, and may on passing Regents examinations receive their certificates as of the date when the preliminary work was completed.

§ 146 **Questions.** Each board shall submit to the Regents, as required, lists of suitable questions for thorough examination in anatomy, physiology and hygiene, chemistry, surgery, obstetrics, pathology and diagnosis, and therapeutics including practice and materia medica. From these lists the Regents shall prepare question papers for all these subjects, which at any examination shall be the same for all candidates, except that the examination may be divided as provided in section 145 and except that in therapeutics, practice and materia medica all the questions submitted to any candidate shall be chosen from those prepared by the board selected by that candidate, and shall be in harmony with the tenets of that school as determined by its state board of medical examiners. *[As amended by laws of 1901, ch.646]*

Regents to prepare examination from questions submitted by examiners

Examination same for all candidates except in therapeutics

§ 147 **Examinations and reports.** Examinations for licenses shall be given in at least four convenient places in this state and at least four times annually, in accordance with the Regents rules, and shall be exclusively in writing and in English. Each examination shall be conducted by a Regents examiner who shall not be one of the medical examiners. At the close of each examination the Regents examiner in charge shall deliver the questions and answer papers to the board selected by each candidate, or to its duly authorized committee, and such board, without unnecessary delay, shall examine and mark the answers and transmit to the Regents an official report, signed by its president and secretary, stating the standing of each candidate in each branch, his general average and whether the board recommends that a license be granted. Such report shall include the questions and answers and shall be filed in the public records of the University. If a candidate fails on first examination, he may after not less than six months' further study, have a second examination without fee. If the failure is from illness or other cause satisfactory to the Regents they may waive the required six months' study.

Examinations in 4 places 4 times yearly; written and in English

Medical examiner can not conduct

Board selected by each candidate to report promptly in detail to Regents with recommendations as to licenses

Further study before re-examination

§ 148 **Licenses.** On receiving from a state board an official report that an applicant has successfully passed the examinations and is recommended for license, the Regents shall issue to him, if in their judgment he is duly qualified therefor, a license to prac-

Licenses to be issued by University under seal

Signatures

License to
specify re-
quirements
met by
licenseeRegents
may accept
equivalent
licensesOther ad-
missible
credentials

Fee \$10

Imperfect
registra-
tion may
be legalized
by Regents
certificateLicense to be
recorded in
Regents
office
Records open
to inspectionLicense to be
registered
in county
clerk's
office before
practice

tise medicine. Every license shall be issued by the University under seal and shall be signed by each acting medical examiner of the board selected and by the officer of the University who approved the credential which admitted the candidate to examination, and shall state that the licensee has given satisfactory evidence of fitness as to age, character, preliminary and medical education and all other matters required by law, and that after full examination he has been found properly qualified to practise. Applicants examined and licensed by other state examining boards registered by the Regents as maintaining standards not lower than those provided by this article and applicants who matriculated in a New York State medical school before June 5, 1890, and who received the degree M. D. from a registered medical school before Aug. 1, 1895, may without further examination, on payment of \$10 to the Regents and on submitting such evidence as they may require, receive from them an indorsement of their licenses or diplomas conferring all rights and privileges of a Regents license issued after examination.

If any person, whose registration is not legal because of some error, misunderstanding or unintentional omission, shall submit satisfactory proof that he had all requirements prescribed by law at the time of his imperfect registration and was entitled to be legally registered, he may on unanimous recommendation of a state board of medical examiners receive from the Regents under seal a certificate of the facts which may be registered by any county clerk and shall make valid the previous imperfect registration.

Before any license is issued it shall be numbered and recorded in a book kept in the Regents office, and its number shall be noted in the license. This record shall be open to public inspection, and in all legal proceedings shall have the same weight as evidence that is given to a record of conveyance of land.

§ 149 **Registry.** Every license to practise medicine shall, before the licensee begins practice thereunder, be registered in a book kept in the clerk's office of the county where such practice is to be carried on, with name, residence, place and date of birth, and source, number and date of his license to practise. Before registering, each licensee shall file, to be kept in a bound volume in the county clerk's office an affidavit of the above facts, and also that he is the person named in such license, and had, before receiving the same, complied with all requisites as to attendance, terms and amount of study and examinations required by law

and the rules of the University as preliminary to the conferment thereof; that no money was paid for such license, except the regular fees paid by all applicants therefor; that no fraud, misrepresentation or mistake in any material regard was employed by any one or occurred in order that such license should be conferred. Every license, or if lost a copy thereof legally certified so as to be admissible as evidence, or a duly attested transcript of the record of its conferment shall before registering, be exhibited to the county clerk, who, only in case it was issued or indorsed as a license under seal by the Regents, shall indorse or stamp on it the date and his name preceded by the words: "Registered as authority to practise medicine in the clerk's office of . . . county." The clerk shall thereupon give to every physician so registered a transcript of the entries in the register with a certificate under seal that he has filed the prescribed affidavit. The licensee shall pay to the county clerk a total fee of \$1 for registration, affidavit and certificate.

County clerk not to register till after seeing license or legally certified copy duly indorsed under University seal

Licensee to have certified copy of registration

Registration fee \$1

§ 150 Registry in another county. A practising physician having registered a lawful authority to practise medicine in one county, and removing such practice or part thereof to another county, or regularly engaging in practice or opening an office in another county, shall show or send by registered mail to the clerk of such other county, his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued under seal by the Regents, or if the certificate itself is indorsed by the Regents as entitled to registration, the clerk shall thereupon register the applicant in the latter county, on receipt of a fee of 25 cents, and shall stamp or indorse on such certificate, the date and his name preceded by the words, "Registered also in . . . county," and return the certificate to the applicant.

Practising physician may register in another county on showing proof of existing legal registration

Fee 25c

§ 151 Certificate presumptive evidence; unauthorized registration and license prohibited. Every unrevoked certificate and indorsement of registry, made as provided in this article, shall be presumptive evidence in all courts and places, that the person named therein is legally registered. Hereafter no person shall register any authority to practise medicine unless it has been issued or indorsed as a license by the Regents. No such registration shall be valid unless the authority registered constituted at the time of registration, a license under the laws of the state then in force. No diploma or license conferred on a person not actually in attendance at the lectures, instruction and examina-

Proof of legal right to practise requisite for registration

Diploma or license not in accord with this law invalid for registration

M. D. honorary or *ad eundem* prohibited

This act does not apply to

United States army and navy physicians; hospital medical staff;

registered dentists; makers of surgical appliances;

foreign physicians in consultation;

duly authorized practitioners near state boundary;

isolated cases

Acts authorizing medical degrees *causa honoris* or *ad eundem* repealed

Attempting to practise illegally or having any part in such attempt a misdemeanor

tions of the school conferring the same, or not possessed at the time of its conferment, of the requirements then demanded of medical students in this state as a condition of their being licensed so to practise, and no registration not in accordance with this article shall be lawful authority to practise medicine, nor shall the degree of doctor of medicine be conferred *causa honoris* or *ad eundem*¹ nor if previously conferred shall it be a qualification for such practice.

§ 152 **Construction of this article.** This article shall not be construed to affect commissioned medical officers serving in the United States army, navy or marine hospital service, while so commissioned; or any one while actually serving on the resident medical staff of any legally incorporated hospital; or any legally registered dentist exclusively engaged in practising dentistry; or any manufacturer of artificial eyes, limbs or orthopedic instruments or trusses in fitting such instruments on persons in need thereof; or any lawfully qualified physician in other states or countries meeting legally registered physicians in this state in consultation; or any physician residing on a border of a neighboring state and duly authorized under the laws thereof to practise medicine therein, whose practice extends into this state, and who does not open an office or appoint a place to meet patients or receive calls within this state; or any physician duly registered in one county called to attend isolated cases in another county, but not residing or habitually practising therein. This article shall be construed to repeal all acts or parts of acts authorizing conferment of any degree in medicine, *causa honoris* or *ad eundem*,¹ or otherwise than on students duly graduated after satisfactory completion of a preliminary and medical course not less than that required by this article, as a condition of license.

§ 153 **Penalties and their collection.** Any person who, not being then lawfully authorized to practise medicine within this state and so registered according to law, shall practise medicine within this state without lawful registration or in violation of any provision of this article; and any person who shall buy, sell, or fraudulently obtain any medical diploma, license, record, or registration, or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practise medicine under cover of any medical diploma, license, record, or registration illegally obtained, or signed, or issued unlawfully or under fraudulent repre-

¹ So in official edition.

sentations or mistake of fact in a material regard, or who, after conviction of a felony, shall attempt to practise medicine, or shall so practise, and any person who shall append the letters M. D. to his or her name, or shall assume or advertise the title of doctor (or any title which shall show or tend to show that the person assuming or advertising the same is a practitioner of any of the branches of medicine), in such a manner as to convey the impression that he or she is a legal practitioner of medicine, or of any of its branches without having legally received the medical degree, or without having received a license which constituted at the time an authority to practise medicine under the laws of this state then in force, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$250, or imprisonment for six months for the first offense, and on conviction of any subsequent offense, by a fine of not more than \$500 or imprisonment for not less than one year, or by both fine and imprisonment. Any person who shall practise medicine under a false or assumed name, or who shall falsely personate another practitioner of a like or different name, shall be guilty of a felony. When any prosecution under this article is made on the complaint of any incorporated medical society of the state, or any county medical society of such county entitled to representation in a state society, the fines when collected shall be paid to the society making the complaint, and any excess of the amount of fines so paid over the expense incurred by the said society in enforcing the medical laws of this state, shall be paid at the end of the year to the county treasurer. [*As amended by laws of 1895, ch.398*]

Conviction of felony dis-qualifies

Unauthorized assumption of M. D. or title doctor a misdemeanor

Penalty for first offense fine or imprisonment; for subsequent offense either or both in double amount

False personation a felony

Expenses of society securing prosecution to be paid from fines

Practice of dentistry

Public health law, 1893, ch.661, art.9 as amended to June 1902

§ 160 **Definitions.** As used in this article, the terms University, Regents and physicians have respectively the meanings defined in article 8 of this chapter. Board, where not otherwise limited, means the board of dental examiners of the State of New York. Registered medical or dental school means a medical or dental school, college or department of a university, registered by the Regents as maintaining a proper educational standard and legally incorporated. Examiner, where not otherwise qualified, means a member of the board. State dental society means the Dental Society of the State of New York. [*As amended by laws of 1895, ch.626, 1896, ch.297, 1898, ch.355 and 1901, ch.215*]

University Regents Physician

Board

Registered medical or dental school

Examiner

State Dental Society

Composition
of State
Dental
Society

§ 161 **State dental society.** The Dental Society of the State of New York is continued, and shall be composed of eight delegates from each district society divided into four classes of two delegates, each to be elected annually, and of two delegates from each incorporated dental school of the state to be elected annually. The state dental society shall annually meet on the second Wednesday of May, or at such other time and at such place as may be determined on in the bylaws of the society or by resolution, at the preceding annual meeting. Twenty members shall be a quorum. The society shall elect annually a president, vice president, secretary and treasurer, who shall hold their offices for one year, and until others shall be chosen in their places, and may elect not more than 16 permanent members at any annual meeting from among eminent dentists of the state, who shall have all the privileges of delegate members. The society may elect honorary members from any state or county not eligible to regular membership, who shall not be entitled to vote or hold any office in the society. [*As amended by laws of 1901, ch.215*]

Annual
meeting

Officers

Permanent
members

Honorary
members

Existing
district
dental
societies
continued

Formation
of new
societies

§ 162 **District dental societies.** The existing district dental societies are continued. In any judicial district in which a district dental society is not now incorporated, 15 or more dentists of such district authorized to practise dentistry in this state may become a district dental society of such district, by publishing a call for a meeting of the dentists of the district to be held at a time and place mentioned therein within the district, in at least one newspaper in each county of the district, at least once a week for at least four weeks immediately preceding the time when such meeting is to be held, and by meeting at the time and place specified in such notice with such dentists authorized to practise dentistry in the district as may respond to such call, and by making and filing with the secretary of the state dental society a certificate, to be executed and acknowledged by the dentists so meeting, or by at least 15 of them, which shall set forth that such meeting has been held pursuant to such notice, the corporate name of the society, which shall be the district dental society of the judicial district where located, the names and places of residence of the officers of the society for the first year, or until the first annual meeting, which officers shall be a president, vice president, secretary and treasurer, the time and place of the annual meeting of the society, the general objects and purposes of the association and the names of eight delegates

to the state society divided into four classes of two delegates each, to hold office until the first, second, third and fourth annual meeting thereafter, respectively. And thereon the persons executing such certificate and all other dentists in good standing and authorized to practise dentistry in such district, who shall subscribe to its bylaws, shall be a corporation by the name expressed in such certificate. [*As amended by laws of 1901, ch.215*]

§ 163 **Powers of dental societies.** Every licensed and registered dentist in the judicial district in which such society is formed, shall be eligible to membership in the district society of the district where he resides or practises dentistry. Every district society shall at every annual meeting choose two delegates to the state dental society, each to serve four years, and may fill all vacancies occurring in their respective delegations in the state society. Every district dental society shall at its annual meeting appoint not less than three nor more than five censors to continue in office for one year and until others are chosen, who shall constitute a district board of censors. The dental societies of the respective districts of the state shall have power to make all needful bylaws not inconsistent with the laws of this state for the management of their affairs and property and the admission and expulsion of members; providing, that no bylaw of any district society shall be repugnant to or inconsistent with the bylaws of the state society. Said societies may purchase and hold real and personal estate for the purposes of their incorporation; provided that the property of a district society shall not exceed in value \$5000, and the property of the state society shall not exceed in value \$25,000. [*As amended by laws of 1901, ch.215*]

Powers and
duties of
district
dental
societies

§ 164 **Licentiates.** Only the following persons shall be deemed licensed to practise dentistry:

1 Those duly licensed and registered as dentists in this state prior to the first day of August, 1895, pursuant to the laws in force at the time of their license and registration.

What
constitutes
license to
practise

2 Those duly licensed and registered after the first day of August, 1895, pursuant to the provisions of this chapter. [*As amended by laws of 1895, ch.626 and 1901, ch.215*]

§ 165 **State board of dental examiners.** The existing division of the State Board of Dental Examiners shall be divided into four classes and their terms of office shall continue except that said terms shall expire on the 31st day of July in each year. Before the day when the official terms of the members of any of said classes shall expire, the Regents shall appoint their successors, to serve for the

Four classes

Terms of
examiners
expire
July 31

Term
4 years

Examiners appointed by Regents from nominees of State Dental Society

Regents to fill vacancies

Each appointee to be from same judicial district as his predecessor

Board to meet on call of Regents

Appointees must hold dental degree and have practised dentistry in this state not less than 5 years

Officer in dental college ineligible
Examiner may be removed for cause

term of four years from said day. Such appointment shall be made from nominations in number twice the number of the outgoing class made by such society to the Regents prior to the second Tuesday in June of each year. In default of such nominations, the Regents shall appoint such examiners from the legally qualified dentists in the state belonging to the state dental society. The Regents, in the same manner, shall also fill vacancies in the board that may occur. All nominations and appointments shall be so made that every vacancy in the board shall be filled by a resident of the same judicial district in which the last incumbent of the office resided. The board shall elect at its annual meeting from its members a president and a secretary and shall hold one or more meetings each year pursuant to call of the Regents. No person shall be appointed an examiner unless he shall have received a dental degree from a body lawfully entitled to confer the same, and in good standing at the time of its conferment, and shall have been engaged within the state during not less than five years prior to his appointment in the actual and lawful practice of dentistry. Nor shall any person connected with a dental school as professor, trustee or instructor be eligible to such appointment. Cause being shown before them the Regents may remove an examiner from office on proven charges of inefficiency, incompetency, immorality or unprofessional misconduct. [*As amended by laws of 1895, ch.626, 1896, ch.297, and 1901, ch.215*]

Candidate must submit satisfactory evidence as to: age, character, preliminary education

Candidate must hold dental degree M. D. or foreign license to practise

§ 166 **Examinations.** The Regents shall admit to examination any candidate who shall pay the fee herein prescribed [*see* §169a] and submit satisfactory evidence, verified by oath if required, that he: (1) is more than 21 years of age; (2) is of good moral character; (3) has a preliminary education equivalent to graduation from a four year high school course registered by the Regents, or an education accepted by the Regents as fully equivalent; (4) subsequently to receiving such preliminary education either has been graduated in course, with a dental degree from a registered dental school, or else, having been graduated in course from a registered medical school with the degree of doctor of medicine, has pursued thereafter a course of special study of dentistry for at least two years in a registered dental school, and received therefrom its degree of doctor of dental surgery, or else holds a diploma or license conferring full right to practise dentistry in some foreign country and granted by some registered authority. Provided that any person who then being a bona fide student of dentistry in this state under

private preceptorship was entitled to file on or before the 31st day of July 1895, with the secretary of the State Dental Society a certificate of study under private preceptorship may at any time prior to the first day of January 1904, upon sworn proof of such fact file such a certificate with the Regents and thereupon be admitted to examination before the board. Any member of the board may in-
Examiners may investigate candidate's qualifications
 quire of any applicant for examination concerning his qualifications and may take testimony of any one in regard thereto, under oath, which he is hereby empowered to administer. [*As amended by laws of 1895, ch.626, 1896, ch.297, 1901, ch.215 and 1902, ch.210*]

§ 167 **Degrees.** No degree in dentistry shall be conferred in this state except the degree of doctor of dental surgery. Said degree shall not be conferred upon any one unless he shall have satisfactorily completed a course of at least three years in a registered dental school, or having been graduated in course from a registered
Requirements for dental degree
 medical school with the degree of doctor of medicine shall have pursued satisfactorily thereafter a course of special study of dentistry for at least two years in a registered dental school; nor shall said degree be conferred upon any one, unless prior to matriculation in the institution conferring his professional degree, or before beginning the second course of lectures counted toward such degree he shall have filed with said institution a Regents certificate that he has received the required preliminary education evidenced as aforesaid; provided further, however, that the Regents may confer upon all persons who shall have received the degree of master of dental surgery under the laws of this state, prior to the taking effect of this act, the degree of doctor of dental surgery in lieu of said master's degree. [*As amended by laws of 1895, ch.626, 1896, ch.297 and 1901, ch.215*]

§ 168 **Licenses.** On certification by the Board of Dental Exam-
Candidate certified by board to receive license
 iners that a candidate has successfully passed its examination and is competent to practise dentistry, the Regents shall issue to him their license so to practise pursuant to the rules established by them. On the recommendation of the board, the Regents may also, without the examination hereinbefore provided for, issue their license to any applicant therefor who shall furnish proof satisfactory to them that he has been duly graduated from a registered dental school and has been thereafter lawfully and reputably engaged in such practice for six years next preceding his application; or who holds a license to practise dentistry in any other of the United States granted by a state board of dental examiners, indorsed by the Dental Society of the State of New York; provided, that in either case
Regents may license reputable practitioner from other state or country having qualifications not below New York standards; applicants certified by board

to have qualifications equivalent to New York requirements

License so issued to state reasons on face

Unregistered practising dentists to register in county clerk's office

May register only on showing proof of legal right to practise; making affidavit of identity; of compliance with preliminary requirements, and of absence of fraud or bribery in procuring license

County clerk to give certificate of registration

Certificate and license to be presumptive evidence

Clerk's fee \$1

Practising dentist may register in another county on proof of existing legal registration

Fee 25c

his preliminary and professional education shall have been not less than that required in this state. Every license so issued shall state on its face the grounds on which it is granted and the applicant may be required to furnish his proofs on affidavit. [*As amended by laws of 1895, ch.626, 1896, ch.297, 1898, ch.355 and 1901, ch.215*]

§ 169 Registration. Every person practising dentistry in this state and not lawfully registered before this section takes effect shall register in the office of the clerk of the county where his place of business is located, in a book kept by the clerk for such purpose, his name, age, office and postoffice address, date and number of his license to practise dentistry and the date of such registration, which registration he shall be entitled to make only upon showing to the county clerk his license or a duly authenticated copy thereof, and making an affidavit stating name, age, birthplace, the number of his license and the date of its issue; that he is the identical person named in the license; that before receiving the same he complied with all the preliminary requirements of this statute and the rules of the Regents and board as to the terms and the amount of study and examination; that no money, other than the fees prescribed by this statute and said rules, was paid directly or indirectly for such license, and that no fraud, misrepresentation or mistake in a material regard was employed or occurred in order that such license should be conferred. The county clerk shall preserve such affidavit in a bound volume and shall issue to every licentiate duly registering and making such affidavit a certificate of registration in his county, which shall include a transcript of the registration. Such transcript and the license may be offered as presumptive evidence in all courts of the facts stated therein. The county clerk's fee for taking such registration and affidavit and issuing such certificate, shall be \$1. A practising dentist having registered a lawful authority to practise dentistry in one county of the state and removing such practice or part thereof to another county, or regularly engaging in practice or opening an office in another county, shall show or send by registered mail to the clerk of such other county his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued under seal by the Regents, or if the certificate itself is indorsed by the Regents as entitled to registration, the clerk shall thereupon register the applicant in the latter county, on receipt of a fee of 25 cents, and shall stamp or indorse on such certificate, the date and his name, preceded by the words, " registered also in . . .

county," and return the certificate to the applicant. Any person who having lawfully registered as aforesaid shall thereafter change his name in any lawful manner shall register the new name with marginal note of the former name; and shall note upon the margin of the former registration the fact of such change and a cross reference to the new registration. A county clerk who knowingly shall make or suffer to be made upon the book of registry of dentists kept in his office any other entry than is provided for in this section shall be liable to a penalty of \$50 to be recovered by the State Dental Society in a suit in any court having jurisdiction. [*As amended by laws of 1895, ch.626, 1896, ch.297 and 1901, ch.215*]

¹ § 169a **Examination fees.** Every applicant for license to practise dentistry shall pay a fee of not more than \$25. From the fees provided by this article the Regents may pay all proper expenses incurred by them under its provisions, and any surplus at the end of any academic year shall be paid to the society nominating the examiners to defray its expenses incurred under the law. [*As amended by laws of 1895, ch.626, 1896, ch.297 and 1901, ch.215*]

§ 169b **Revocation of licenses.** If any practitioner of dentistry be charged under oath before the board with unprofessional or immoral conduct, or with gross ignorance, or inefficiency in his profession, the board shall notify him to appear before it at an appointed time and place, with counsel, if he so desires, to answer said charges, furnishing to him a copy thereof. Upon the report of the board that the accused has been guilty of unprofessional or immoral conduct, or that he is grossly ignorant or inefficient in his profession, the Regents may suspend the person so charged from the practice of dentistry for a limited season, or may revoke his license. Upon the revocation of any license, the fact shall be noted upon the records of the Regents and the license shall be marked as canceled, of² the date of its revocation. Upon presentation of a certificate of such cancelation to the clerk of any county wherein the licentiate may be registered, said clerk shall note the date of the cancelation on the register of dentists and cancel the registration. A conviction of felony shall forfeit a license to practise dentistry, and upon presentation to the Re-

License
fee \$25

Regents to
pay expenses
from fees

Practitioner
charged
under oath
with unprof-
fessioness, to be
summoned
by board

If board
reports
charges
true, Regents
may suspend
or revoke
license

Registra-
tion to be
canceled
on receipt
of certificate
of revocation
of license

Conviction
of felony
forfeits
license

¹ See also laws of 1905, chapter 700.

² So in official condition.

gents or a county clerk by any public officer or officer of a dental society of a certified copy of a court record showing that a practitioner of dentistry had been convicted of felony, that fact shall be noted on the record of license and clerk's register, and the license and registration shall be marked canceled. Any person who, after conviction of a felony shall practise dentistry in this state, shall be subject to all the penalties prescribed for the unlicensed practice of dentistry [*see* §169d], providing that if such conviction be subsequently reversed upon appeal and the accused acquitted or discharged, his license shall become again operative from the date of such acquittal or discharge. [*As amended by laws of 1895, ch.626, 1896, ch.297 and 1901, ch.215*]

Practise of dentistry after conviction of felony a misdemeanor. If conviction reversed, license again operative

Law permits practice on models, student assistance, and treatment by licensed physicians

No unlicensed dental operation

Unlicensed practise a misdemeanor

\$50 fine for first offense; for later offense \$100 fine, or imprisonment or both

§ 169c **Construction of this article.** This article shall not be construed to prohibit an unlicensed person from performing merely mechanical work upon inert matter in a dental office or laboratory, or the student of a licentiate from assisting the latter in his performance of dental operations while in the presence and under the personal supervision of his instructor; or a student in an incorporated dental school or college from performing operations for purposes of clinical study under the supervision and instruction of preceptors; or a duly licensed physician from treating diseases of the mouth or performing operations in oral surgery. But nothing in this article shall be construed to permit the performance of independent dental operations by an unlicensed person under cover of the name of a registered practitioner or in his office. Nor shall anything in this article be construed to require of students already matriculated in registered dental or medical schools when this act shall take effect, or students matriculated in such schools before the first day of January, 1905, any other or higher qualification for the dental license or degree than was demanded by existing laws as interpreted by the regulations of the Regents at the date of their matriculation. [*As amended by laws of 1895, ch.626 and 1901, ch.215*]

§ 169d **Penalties.** a A person who, in any county of this state, practises or holds himself out to the public as practising dentistry, not being at the times of said practice or holding out a dentist licensed to practise as such in this state and registered in the office of the clerk of such county pursuant to the general laws regulating the practice of dentistry, is guilty of a misdemeanor, and punishable upon conviction of a first offense by a fine of not less than \$50, and upon conviction of a subsequent

offense by a fine of not less than \$100, or by imprisonment for not less than two months, or by both such fine and imprisonment. Any violation of this section by a person theretofore convicted under the then existing laws of this state of practising dentistry without license or registration shall be included in the term a subsequent offense.

Violation
by convicted
illegal prac-
titioner

Every conviction of unlawful practice or holding out subsequent to a first conviction thereof shall be a conviction of a second offense. Every practitioner of dentistry must display in a conspicuous place upon the house or in the office wherein he practises his full name. If there are more chairs than one in any office or dental parlor the name of the practitioner must be displayed on or by said chair in plain sight of the patient. Any person who shall practise dentistry without displaying his name as herein prescribed; and any proprietor, owner or manager of a dental office, establishment or parlor who shall fail so to display or cause to be displayed the name of each person employed as a practising dentist or practising as a dentist in said office, establishment or parlor, shall be guilty of a misdemeanor and punishable upon a first conviction by a fine of \$50 and upon every subsequent conviction by a fine of not less than \$100 or by imprisonment for not less than 60 days or by both fine and imprisonment.

Nondisplay
of name a
misdemeanor

\$50 fine
for first
conviction;
for later
conviction
\$100 fine, or
imprisonment,
or both
Misdemeanor
punishable
by fine, im-
prisonment
or both, to:

b A person shall be deemed guilty of a misdemeanor, and upon every conviction thereof shall be punished by a fine of not less than \$250 or by imprisonment for not less than six months, or by both fine and imprisonment, who

1 Shall sell or barter or offer to sell or barter any diploma or document conferring or purporting to confer any dental degree or any certificate or transcript made or purporting to be made pursuant to the laws regulating the license and registration of dentists; or,

1 Sell or
offer to sell
real or fraud-
ulent dental
credential;

2 Shall purchase or procure by barter any such diploma, certificate or transcript with intent that the same shall be used as evidence of the qualifications to practise dentistry, of any person other than the one upon whom it was lawfully conferred, or in fraud of the laws regulating such practice; or,

2 Procure or
try to procure
dental
credential
for fraud;

3 Shall, with fraudulent intent, alter in a material regard any such diploma, certificate or transcript; or,

3 Fraudu-
lently alter
credential;

4 Shall use or attempt to use any such diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered either as a license or color of license

4 Use or try
to use
credential
illegally
obtained,
issued or
altered;

to practise dentistry or in order to procure registration as a dentist; or,

5 Shall practise dentistry under a false or assumed name; or,

6 Shall assume the degree of bachelor of dental surgery, doctor of dental surgery or master of dental surgery, or shall append the letters B. D. S., D. D. S., M. D. S. to his name, not having been duly conferred upon him by diploma from some college, school or board of examiners legally empowered to confer the same, the right to assume said titles; or shall assume any title or append or prefix any letters to his name with the intent to represent falsely that he has received a medical or dental degree or license; or

7 Shall falsely personate another at any examination, held by the Regents or by the board, of the preliminary or professional education of candidates for dental students certificates, dental degrees or licenses, or who shall induce another to make or aid and abet in the making of such false personation, or who shall knowingly avail himself of the benefit of such false personation, or who shall knowingly or negligently make falsely any certificate required by the Regents or board in connection with their examinations.

c Any person who in any affidavit or examination required of an applicant for examination, license or registration under the laws, regulating the practice of dentistry, or under the laws, ordinances or regulations governing the Regents examinations of the preliminary education required for a dental student's certificate shall make wilfully a false statement in a material regard shall be guilty of perjury, and punishable upon conviction thereof by imprisonment not exceeding 10 years.

d All courts of special sessions and police justices sitting as courts of special sessions shall have jurisdiction in the first instance to hear and determine all charges of misdemeanors mentioned in this act committed within their local jurisdiction, and to impose all the penalties provided for misdemeanors in this statute; provided, however, that the power of said courts and justices to hear and determine such charges shall be divested, if before the commencement of a trial before such court or justice, a grand jury shall present an indictment against the accused person for the same offense, or if a justice of the Supreme Court or a county judge of the county shall grant a certificate in the manner provided by law in cases of misdemeanor, that it is reasonable that such charge be prosecuted by indictment.

5 Practise under assumed name;

6 Assume without authority dental degree or its symbols, or any title or symbol with fraudulent intent

7 Personate another or abet false personation

Perjury in securing license punishable by 10 years' imprisonment

Jurisdiction

c All fines, penalties and forfeitures of bail imposed or collected on account of violations of the laws regulating the practice of dentistry must be paid to the State Dental Society. Said society may prefer complaints for violations of the law regulating the practice of dentistry before any court, tribunal or magistrate having jurisdiction thereof and may by its officers, counsel and agents aid in presenting the law and facts before such court, tribunal or magistrate in any proceeding instituted by it. [As amended by laws of 1895, *ch.626*, 1898, *ch.355*, 1901, *ch.215*]

Fines, penalties etc. accrue to State Dental Society

State society may prefer complaints for violations of law and furnish evidence

§ 2 Ch.152 of the laws of 1868 is hereby repealed.

§ 3 This act shall take effect immediately.

Schedule of laws repealed

<i>Laws of</i>	<i>Chapter</i>	<i>Section</i>			
1868	152	All of §7 after and including the words "whose duty it shall be," and all of §8, 9, 10			
			<i>Laws of</i>	<i>Chapter</i>	<i>Section</i>
1870	331	All	1889	337	All
1879	540	All	1892	528	All
1881	376	All			

Exemption of matriculates from increased preliminary requirements

Laws of 1897, ch.247

§ 1 Any student who had matriculated in a registered dental school prior to Jan. 1, 1896, in compliance with the requirements as to preliminary education announced in the catalogue, prospectus or announcement of such dental school for that year shall on completing his full course of professional study, passing satisfactory examinations thereon, and in all other respects complying with the requirements of the faculty and trustees of said dental school, be entitled to receive his degree in dentistry from said dental school without other requirements as to preliminary education, and shall on application be certified by the Regents to the State Board of Dental Examiners for examination for license to practise dentistry; providing that said application shall in all respects, other than preliminary education, meet the present requirements of said Regents and said board.

Preliminary requirements of dental law not retro-active

Matriculates in a registered dental school:

1 Before Jan. 1, 1896, are exempt from the preliminary education requirement for degrees and for admission to the licensing examinations.

2 Between Jan. 1, 1896, and Jan. 1, 1897, must offer 24 academic counts or three years of satisfactory high school work or their equivalent before beginning the second annual course counted toward the degree.

3 Before Jan. 1, 1905, must offer 36 academic counts or three years of satisfactory high school work or their equivalent before beginning the second annual course counted toward the degree. After Jan 1, 1905, any 48¹ academic counts or four years of satisfactory high school work or their equivalent. Partial equivalents may be accepted.

Practice of veterinary medicine

Public health law, 1893, ch.661, art.10, as amended to June 1901

§ 170 **Definitions.** As used in this article:

University

1 University means University of the State of New York.

Regents

2 Regents means Board of Regents of the University of the State of New York.

Board

3 Board means a board of veterinary medical examiners of the State of New York.

Veterinary medical examiner

4 Veterinary medical examiner means a member of a board of veterinary medical examiners of the State of New York.

Veterinary school

5 Veterinary school means any veterinary school, college or department of a university, registered by the Regents as maintaining a proper veterinary medical standard and as legally incorporated.

Veterinary medicine

6 Veterinary medicine means veterinary medicine and surgery, or any branch thereof.

Veterinarian

7 Veterinarian means veterinary physician and surgeon. [*As amended by laws of 1895, ch.860*]

Registration under this law necessary after July 1, 1895

§ 171 **Qualifications for practice.** No person shall practise veterinary medicine after July 1, 1895, unless previously registered and legally authorized, unless licensed by the Regents and registered as required by this article; nor shall any person practise veterinary medicine who has ever been convicted of a felony by any court, or whose authority to practise is suspended or revoked by the Regents on recommendation of a state board. Any graduate of a veterinary school, who received his degree prior to July 1, 1895, and has practised veterinary medicine in some county in New York State, but who failed to register in the veterinary medical register in the county in which he so practised, may, on unanimous recommendation of the State Board of Veterinary

Conviction of felony disqualifies

Unregistered but otherwise qualified practitioner may secure registration through board and Regents

¹ On the basis of the 1900 syllabus; to be increased 25% for examinations on the basis of the 1905 syllabus.

Medical Examiners, receive from the Regents a certificate which shall entitle him to register as a veterinary practitioner in the county of his residence or practise at any time within two months after the passage of this act. Any person a citizen of the United States and of the State of New York who matriculated in a reputable veterinary medical school prior to Jan. 1, 1895, and who received his degree therefrom prior to Jan. 1, 1897, or any person who was engaged in the practice of veterinary medicine prior to the year 1886, shall be admitted to the veterinary examination for license to practise, as conducted by the Regents of the University of the State of New York. [*As amended by laws of 1895, ch.860, 1896, ch.840 and 1901, ch.231*]

§ 172 **State board of veterinary medical examiners.** There shall be a board of veterinary medical examiners of five members, each of whom shall hold office for five years from Aug. 1 of the year in which appointed. The New York State Veterinary Medical Society shall at each annual meeting nominate twice the number of examiners to be appointed that year on the board. The names of such nominees shall be annually transmitted under seal by the president and secretary prior to May 1, to the Regents who shall, prior to Aug. 1, appoint from such lists the examiners required to fill any vacancies that will occur from expiration of term on July 31. Any other vacancy, however occurring, shall likewise be filled by the Regents for the unexpired term. Each nominee before appointment, shall furnish to the Regents proof that he has received a degree in the¹ veterinary medicine from [1] registered veterinary medical school and that he has legally practised veterinary medicine in this state for at least five years. If no nominees are legally before them from the society, the Regents may appoint from members in good standing in the veterinary profession without restriction. The Regents may remove any examiner for misconduct, incapacity or neglect of duty. [*As amended by laws of 1895, ch.860*]

§ 173 **Certificate of appointment; oath; powers.** Every veterinary medical examiner shall receive a certificate of appointment from the Regents, and before beginning his term of office shall file with the Secretary of State the constitutional oath of office. The board, or any committee thereof, may take testimony and proofs concerning all matters within its jurisdiction. The board may, subject to the Regents' approval, make all bylaws and rules not

Exemptions

Five examiners to hold office 5 years each

Appointed by Regents from nominees of State Veterinary Society

Terms expire July 31

Regents to fill vacancies

Nominee ineligible without veterinary degree and practice in this state 5 years

Regents may remove examiner for cause

Examiners to have certificates of appointment from Regents and to take oath of office

Board may take testimony

Shall make rules subject to Regents' approval

¹ So in official edition.

Restriction

inconsistent with law needed in performing its duties, but no bylaws or rules by which more than a majority vote is required for any specified action by the board shall be amended, suspended or repealed by a smaller vote than that required for the action thereunder. [*As amended by laws of 1895, ch.860*]

Regents to pay expenses from fees

¹ § 174 **Expenses.** From the fees provided by this article the Regents may pay all proper expenses incurred by its provisions, except compensation to veterinary medical examiners, and any surplus at the end of the academic year shall be apportioned among the members of the board pro rata according to the number of candidates whose answer papers have been marked by each. [*As amended by laws of 1895, ch.860*]

Surplus to be divided among examiners pro rata

Board to elect officers

§ 175 **Officers; meetings; quorum; committees.** The board shall annually elect from its members a president and secretary for the academic year, and shall hold one or more meetings each year pursuant to the call of the Regents. At any meeting a majority shall constitute a quorum; but questions prepared by the board may be grouped and edited, or answer papers of candidates may be examined and marked by committees duly authorized by the board and by the Regents. [*As amended by laws of 1895, ch.860*]

To meet on call of Regents

Majority a quorum

Committees

Candidate must pay fee and submit satisfactory evidence as to: age; character; preliminary education; professional education; veterinary degree

§ 176 **Admission to examination.** The Regents shall admit to examination any candidate who pays a fee of \$10 and submits satisfactory evidence, verified by oath if required, that he (1) is more than 21 years of age; (2) is of good, moral character; (3) has the general education required in all cases after July 1, 1897, preliminary to receiving a degree in veterinary medicine; (4) has studied veterinary medicine not less than three full years, including three satisfactory courses, in three different academic years, in the veterinary medical school registered as maintaining at the time a satisfactory standard; (5) has received a degree as veterinarian from some registered veterinary medical school. The degree in veterinary medicine shall not be conferred in this state before the candidate has filed with the institution conferring it, the certificate of the Regents that three years before the date of the degree, or before or during his first year of veterinary medical study in this state, he has either graduated from a registered college or satisfactorily completed an academic course in a registered academy or high school; or has a preliminary education considered and accepted by the Regents as fully equivalent; or has passed Regents examinations equivalent to the minimum re-

Prerequisites to degree: graduation from registered college or high school; or education fully equivalent thereto; or equivalent Regents examinations

¹ See also laws of 1905, chapter 700.

quirement in such preliminary education for candidates for medical or dental degrees in this state. Students who had matriculated in a veterinary medical school before Oct. 1, 1895, shall be exempted from this preliminary education requirement, provided the degree be conferred before July 1, 1898. The Regents may, in their discretion, accept as the equivalent for any part of the third and fourth requirements, evidence of five or more years' reputable practice in veterinary medicine, provided that such substitution be specified in the license. [*As amended by laws of 1895, ch.860*]

Graduates before July 1, 1898 who matriculated before Oct. 1, 1895 exempt from preliminaries

Equivalent for educational requirement

§ 177 **Questions.** Each member of the board shall submit to the Regents, as required, lists of suitable questions for thorough examination in comparative anatomy, physiology and hygiene, in chemistry and veterinary surgery, obstetrics, pathology and diagnosis and therapeutics, including practice and materia medica. From these lists the Regents shall prepare question papers for all these subjects, which at any examinations shall be the same for all candidates. [*As amended by laws of 1895, ch.860*]

Regents to prepare examinations from questions submitted by examiners

§ 178 **Examinations and reports.** Examination for license shall be given in at least four convenient places in this state and at least four times annually, in accordance with the Regents rules, and shall be exclusively in writing and in English. Each examination shall be conducted by a Regent¹ examiner, who shall not be one of the veterinary medical examiners. At the close of each examination, the Regents examiner in charge shall deliver the questions and answer papers to the board, or to its duly authorized committee, and such board, without unnecessary delay, shall examine and mark the answers and transmit to the Regents an official report, signed by its president and secretary, stating the standing of each candidate in each branch, his general average and whether the board recommends that a license be granted. Such report shall include the questions and answers and shall be filed in the public records of the University. If a candidate fails on his first examination, he may, after not less than six months' further study, have a second examination without fee. If the failure is from illness or other cause satisfactory to the Regents, they may waive the required six months' study. [*As amended by laws of 1895, ch.860*]

Examinations in 4 places 4 times yearly; to be written and in English

Supervising examiner not to be member of board

Board to report promptly results to Regents, with recommendations as to licenses

Six months study before reexamination

Extra study waived for cause

§ 179 **Licenses.** On receiving from the state board an official report that an applicant has successfully passed the examination and is recommended for license, the Regents shall issue to him, if

Licenses to be issued by University under seal and signed by veterinary examiners and officer who admitted

¹ So in official edition.

to examination

Regents may accept licenses granted before July 1, 1897, by other state boards maintaining an equal standard;

also licenses or diplomas of candidates matriculated before July 1, 1896 and graduated before July 1, 1897

Fee \$10

Imperfect registration may be legalized by Regents certificate

License to be recorded in Regents office before issue

Records open to inspection

License to be registered in county clerk's office before practice

in their judgment he is duly qualified therefor, a license to practise veterinary medicine. Every license shall be issued by the University under seal and shall be signed by each acting veterinary medical examiner of the board and by the officer of the University who approved the credential which admitted the candidate to examination, and shall state that the licensee has given satisfactory evidence of fitness as to age, character, preliminary and veterinary medical education and all other matters required by law, and that after full examination he has been found duly qualified to practise. Applicants examined and licensed before July 1, 1897, by other state examining boards registered by the Regents as maintaining standards not lower than those provided by this article, and applicants who matriculate in a New York State veterinary medical school before July 1, 1896, and who receive the veterinary degree from a registered veterinary medical school before July 1, 1897, may without further examination, on payment of \$10 to the Regents, and on submitting such evidences as they may require, receive from them an indorsement of their license or diplomas conferring all rights and privileges of a Regents license issued after examination. If any person, whose registration is not legal or who is not registered because of some error, misunderstanding or unintentional omission, shall submit satisfactory proof that he had all requirements prescribed by law at the time required for registration and was entitled to be legally registered, he may, on unanimous recommendation of the State Board of Veterinary Medical Examiners, receive from the Regents under seal a certificate of the facts which may be registered by any county clerk and shall make valid the previous imperfect registration. Before any license is issued it shall be numbered and recorded in a book kept in the Regents office and its number shall be noted in the license. This record shall be open to public inspection, and in all legal proceedings, shall have the same weight as evidence that is given to a record of conveyance of land. [*As amended by laws of 1895, ch.860, 1896, ch.840 and 1900, ch.479*]

§ 179a¹ **Registry.** Every license to practise veterinary medicine shall before the licensee begins practice thereunder, be registered in a book to be known as the "Veterinary Medical Register," which shall be provided by and kept in the clerk's office of the county where such practice is to be carried on, with name, residence, place and date of birth, and source, number and date of its² license to practise. Before registering, each licensee shall file, to be kept in a

¹ §180-84 renumbered as §179a-79e by laws of 1896, ch.840, §2.

² So in official edition.

bound volume in the county clerk's office, an affidavit of the above facts, and also that he is the person named in such license, and had, before receiving the same, complied with all requisites as to attendance, terms and amount of study and examination required by law and the rules of the University as preliminary to the conferment thereof, and no money was paid for such license, except the regular fees, paid by all applicants therefor; that no fraud, misrepresentation or mistake in any material regard was employed by any one or incurred in order that such license should be conferred. Every license, or if lost, a copy thereof, legally certified so as to be admissible as evidence, or a duly attested transcript of the record of its conferment, shall, before registering, be exhibited to the county clerk, who, only in case it was issued or indorsed as a license under seal by the Regents, shall indorse or stamp on it the date and his name preceded by the words: "Registered as authority to practise veterinary medicine, in the clerk's office of . . . county." The clerk shall thereupon give to every veterinarian so registered a transcript of the entries in the register, with a certificate under seal that he has filed the prescribed affidavit. The licensee shall pay to the county clerk as¹ a total fee of \$1 for registration, affidavit and certificate. [*As amended by laws of 1895, ch.860*]

Licensee to file also affidavit of identity and of compliance with all provisions of law

County clerk not to register till after seeing license or legally certified copy duly indorsed under University seal

Licensee to have certified copy of registration

Registration fee \$1

§ 179b² **Registration in another county.** A practising veterinarian having registered a lawful authority to practise veterinary medicine in one county, and removing such practice or part thereof to another county, or regularly engaging in practice or opening an office in another county, shall show or send by registered mail to the clerk of such other county, his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued under seal by the Regents, or if the certificate itself is indorsed by the Regents as entitled to registration, the clerk shall thereupon register the applicant in the latter county, on receipt of a fee of 25 cents, and shall stamp or indorse on such certificate the date and his name, preceded by the words: "Registered also in . . .¹ county" and return the certificate to the applicant. [*As amended by laws of 1895, ch.860*]

Practising veterinarian may register in another county on showing proof of existing legal registration

Fee 25c

§ 179c² **Certificate presumptive evidence; unauthorized registration and license prohibited.** Every unrevoked certificate and indorsement of registry, made as provided in this article, shall be presumptive evidence in all courts and places that the person named

Proof of legal right to practise requisite for registration

¹ So in official edition.

² §180-84 renumbered as §179a-79e by laws of 1896, ch.840, §2.

Diploma or license not in accord with this law invalid for registration

D. V. S. honorary or *ad eundem* prohibited

This act does not apply to: United States veterinary medical officers;

gratuitous aid in emergency;

foreign veterinarians in consultation;

duly authorized practitioners near state boundary;

isolated cases

Acts authorizing veterinary degrees *causa honoris* or *ad eundem* repealed

Fine \$50 a day for illegal practice and for each violation

therein is legally registered. Hereafter no person shall register any authority to practise veterinary medicine unless it has been issued or indorsed as a license by the Regents. No diploma or license conferred on a person not actually in attendance at the lectures, instructions and examinations of the school conferring the same, or not possessed at the time of its conferment of the requirements then demanded of veterinary medical students in this state as a condition of their being licensed so to practise, and no registration not in accordance with this article shall be lawful authority to practise veterinary medicine, nor shall the degree of doctor of veterinary medicine be conferred *causa honoris* or *ad eundem*,¹ nor if previously conferred shall it be a qualification for such practice. [*As amended by laws of 1895, ch.860*]

§ 179d² **Construction of this article.** This article shall not be construed to effect¹ commissioned veterinary medical officers serving in the United States army, or in the United States Bureau of Animal Industry while so commissioned; nor any person for giving gratuitous services in case of emergency; or any lawfully qualified veterinarian in other states or countries meeting legally registered veterinarians in this state in consultation; or any veterinarian residing on a border of a neighboring state and duly authorized under the laws thereof to practise veterinary medicine therein, whose practice extends into this state, and who does not open an office or appoint a place to meet patients or receive calls within this state; or any veterinarian duly registered in one county called to attend isolated cases in another county, but not residing or habitually practising therein. This article shall be construed to repeal all acts or parts of acts authorizing conferment of any degree in veterinary medicine, *causa honoris* or *ad eundem*,¹ or otherwise, than on students duly graduated after satisfactory completion of a preliminary and veterinary medical course, not less than that required by this article, as a condition of license. [*As amended by laws of 1895, ch.860*]

§ 179e² **Penalties and their collection.** Every person who shall practise veterinary medicine within this state without lawful registration or in violation of any provision of this article shall forfeit to the county wherein such persons shall so practise, or in which any violation shall be committed, \$50 for every such violation, and for every day of such unlawful practice, and any incorporated

¹ So in official edition.

² §180-84 renumbered as §179a-79e by laws of 1896, ch.840, §2.

veterinary medical society of the state or any county veterinary medical society of such county entitled to representation in a state society, may bring an action in the name of such county for the collection of such penalties, and the expense incurred by such society in such prosecution, including necessary counsel fees, may be retained by such society out of the penalties so collected, and the residue, if any, shall be paid into the county treasury. Any person who shall practise veterinary medicine under a false or assumed name or who shall falsely personate another practitioner of a like or different name, shall be guilty of a felony; and any person guilty of violating any of the other provisions of this act, not otherwise specifically punished herein, or who shall buy, sell or fraudulently obtain any veterinary medical diploma, license, record or registration, or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practise veterinary medicine under the cover of a diploma, or license illegally obtained, or signed or issued unlawfully or under fraudulent representation, or mistake of fact in material regard, or who, after conviction of a felony, shall attempt to practise veterinary medicine, and any person who shall, without having been authorized so to do legally, append any veterinary title to his or her name, or shall assume or advertise any veterinary title in such a manner as to convey the impression that he is a lawful practitioner of veterinary medicine or any of its branches, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$250 or imprisonment for six months for the first offense, and on conviction of a subsequent offense by a fine of not less than \$500 or imprisonment for not less than one year, or by both fine and imprisonment. [*As amended by laws of 1895, ch.860*]

Any incorporated veterinary medical society may bring action

Expenses of prosecution to be paid from fines

False personation a felony

Attempting to practise illegally or having part in such attempt a misdemeanor

Conviction of felony disqualifies

Unauthorized assumption of veterinary title a misdemeanor

Penalty, fine or imprisonment; for subsequent offense, either or both doubled

Matriculates in a registered veterinary medical school:

1 Before Jan. 1, 1896 are exempt from preliminary education requirement for degrees and for admission to the licensing examinations.

2 Before Jan. 1, 1905 must offer 24 academic counts or two years of satisfactory high school work or their equivalent before beginning the second course counted toward the degree. After Jan. 1, 1905, any 48¹ academic counts or four years of satisfactory high school work or their equivalent. Partial equivalents may be accepted.

¹ On the basis of the 1900 syllabus; to be increased 25% for examinations on the basis of the 1905 syllabus.

Certified public accountants

Laws of 1896, ch. 312.

United States citizen actual or declared, of proper age and character may become C. P. A.

Unauthorized assumption of title forbidden

Regents to appoint three examiners, who after 1897 must be certified public accountants

Regents to charge fee for expenses

Regents may revoke certificate for cause

Regents may certify without examination at discretion till Sep. 1, 1901

§ 1 Qualification. Any citizen of the United States, or person who has duly declared his intention of becoming such citizen, residing or having a place for the regular transaction of business in the state, being over the age of 21 years and of good moral character, and who shall have received from the Regents of the University a certificate of his qualification to practise as a public expert accountant, as hereinafter provided, shall be styled and known as a certified public accountant; and no other person shall assume such title, or use the abbreviation C. P. A. or any other words, letters or figures, to indicate that the person using the same is such certified public accountant.

§ 2 Examinations and credentials. The Regents of the University shall make rules for the examination of persons applying for certificates under this act, and may appoint a board of three examiners for the purpose, which board shall, after the year 1897, be composed of certified public accountants. The Regents shall charge for examination and certificate such fee as may be necessary to meet the actual expenses of such examinations, and they shall report, annually, their receipts and expenses under the provisions of this act to the State Comptroller, and pay the balance of receipts over expenditures to the State Treasurer. The Regents may revoke any such certificate for sufficient cause after written notice to the holder thereof and a hearing thereon.

§ 3 Exemptions. The Regents may, in their discretion, waive the examination of any person possessing the qualifications mentioned in § 1 who shall have been, for more than one year before the passage of this act, practising in this state on his own account, as a public accountant, and who shall apply in writing for such certificate within one year after the passage of this act.

[Time extended to Sep. 1, 1901, by laws of 1901, ch. 343]

§ 4 Violation. Any violation of this act shall be a misdemeanor.

Notes on public accountant's law

1 The three examiners are appointed to serve for one year. Since 1897 the board has been composed of certified public accountants.

2 Certificates will be revoked for cause.

3 The full C. P. A. certificate is granted only to those at least 25 years of age who have had three years satisfactory experience in the practice of accounting, one of which shall have been in the office of an expert public accountant.

4 Candidates having the required preliminary education and passing the required examinations, but lacking the age or the three years experience required for the full C. P. A. certificate may be certified as junior accountants under the same conditions as to residence and character.

5 Two examinations, in January and in June, are held annually. There are three sessions of three hours each and one of four hours: (1) theory of accounts, 3 hours; (2) practical accounting, 4 hours; (3) auditing, 3 hours; (4) commercial law, 3 hours.

6 Candidates must complete all four subjects at a single examination as required in medicine.

7 Candidates for either the C. P. A. or the junior accountant certificate must be more than 21 years of age and of good moral character. They must pay a fee of \$25, and must have the Regents academic diploma or its equivalent as prescribed for other professional examinations.

8 For credentials accepted by the Regents as fully equivalent to the academic diploma, see p.50.

Registration of nurses

Public health law 1893, ch.661, art.12, as amended to April 1903

§ 206 **Who may practise as registered nurses.** Any resident of the State of New York, being over the age of 21 years and of good moral character holding a diploma from a training school for nurses connected with a hospital or sanitarium giving a course of at least two years, and registered by the Regents of the University of the State of New York as maintaining in this and other respects proper standards, all of which shall be determined by the said Regents, and who shall have received from the said Regents a certificate of his or her qualifications to practise as a registered nurse, shall be styled and known as a registered nurse, and no other person shall assume such title, or use the abbreviation R. N. or any other words, letters or figures to indicate that the person using the name is such a registered nurse. Before beginning to practise nursing every such registered nurse shall cause such certificate to be recorded in the county clerk's office of the county of his or her residence with an affidavit of his or her identity as the person to whom the same was so issued and of his or her place of residence within such county. In the month of January, 1906, and in every 36th month thereafter, every registered nurse shall again cause his or her certificate to be recorded in the said county clerk's office, with an affidavit of his or her identity as the person to whom the same was issued, and of his or her place of residence at the time of such reregistration. Nothing contained in this act shall be considered as conferring any authority to practise medicine or to undertake the treatment or cure of disease in violation of article 8 of this chapter.

§ 207 **Board of examiners; examination; fees.** Upon the taking effect of this act, the New York State Nurses Association shall nominate for examiners 10 of their members who have had not less than five years' experience in their profession, and at each annual meeting of said association thereafter, two other candidates. The Regents of the University of the State of New York shall appoint a board of five examiners from such list. One member of said board shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. Upon the expiration of the term of office of any examiner the said Regents shall likewise fill the vacancy for a term of five years and until his or her successor is chosen. An unexpired term of an examiner caused by death, resignation or otherwise, shall be filled by the Regents in the same manner as an original appointment is made. The said Regents, with the advice of the board of examiners above provided for, shall make rules for the examination of nurses applying for certification under this act, and shall charge for examination and for certification a fee of \$5 to meet the actual expenses, and shall report annually their receipts and expenditures under the provisions of this act, to the State Comptroller, and pay the balance of receipts over expenditures to the State Treasurer. The said Regents may revoke any such certificate for sufficient cause after written notice to the holder thereof and hearing thereon. No person shall thereafter practise as a registered nurse under any such revoked certificate.

§ 208 **Waiver of examinations.** The Regents of the University of the State of New York, may upon the recommendation of said board of examiners, waive the examination of any persons possessing the qualifications mentioned in section 206, who shall have been graduated before, or who are in training at the time of, the passage of this act and shall hereafter be graduated, and of such persons now engaged in the practice of nursing as have had three years' experience in a general hospital prior to the passage of this act, who shall apply in writing for such certificate within three years after the passage of this act, and shall also grant a certificate to any nurse of good moral character, who has been engaged in the actual practice of nursing for not less than three years next prior to the passage of this act who shall satisfactorily pass an examination in practical nursing within three years hereafter.

§ 209 **Violations of this article.** Any violation of this article shall be a misdemeanor. When any prosecution under this article is made on the complaint of the New York State Nurses Association, the certificate of incorporation of which was filed and recorded in the office of the secretary of state on the second day of April, 1902 the fines collected shall be paid to said association and any excess in the amount of fines so paid over the expenses incurred by said association in enforcing the provisions of this article shall be paid at the end of each year to the Treasurer of the State of New York.

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OF THE

STATE OF NEW YORK, JUNE 28-30, 1905

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ALBANY

NEW YORK STATE EDUCATION DEPARTMENT

1906

STATE OF NEW YORK
EDUCATION DEPARTMENT

Regents of the University
With years when terms expire

1913	WHITELOW REID M.A. LL.D. <i>Chancellor</i>	New York
1906	ST CLAIR MCKELWAY M.A. L.H.D. LL.D. D.C.L.	
	<i>Vice Chancellor</i>	Brooklyn
1908	DANIEL BEACH Ph.D. LL.D.	Watkins
1914	PLINY T. SEXTON LL.B. LL.D.	Palmyra
1912	T. GUILFORD SMITH M.A. C.E. LL.D.	Buffalo
1907	WILLIAM NOTTINGHAM M.A. Ph.D. LL.D.	Syracuse
1910	CHARLES A. GARDINER Ph.D. L.H.D. LL.D. D.C.L.	New York
1915	CHARLES S. FRANCIS B.S.	Troy
1911	EDWARD LAUTERBACH M.A. LL.D.	New York
1909	EUGENE A. PHILBIN LL.B. LL.D.	New York
1916	LUCIAN L. SHEDDEN LL.B.	Plattsburg

Commissioner of Education

ANDREW S. DRAPER LL.D.

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Convocation Council

1905	Prin. MYRON T. SCUDDER	New Paltz Normal School
1906	Dean JAMES E. RUSSELL	Teachers College Columbia University, New York
1907	District Sup't DARWIN L. BARDWELL	New York
1908	Prof. GEORGE P. BRISTOL	Cornell University
1909	Prin. HOWARD CONANT	Elmira Free Academy

FEB 26 1906

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Department Bulletin

No. 3

43d UNIVERSITY CONVOCATION

OF THE

STATE OF NEW YORK, JUNE 28-30, 1905

PLAN OF THE CONVOCATION OF 1905

In the plan of the University Convocation for 1905 it was determined to depart from the miscellaneous program of previous years and to give the entire time of the meeting to the intensive study and consideration of one subject. To warrant this procedure, the subject had to be of vital interest and acknowledged timeliness to the educational and general public.

In conference with the Convocation Council it was agreed that the one topic which overshadows all others in public interest is the industrial and commercial development of this country and the training which should be given our youth in the public schools, colleges, universities and special schools to best fit them for the changing conditions which the 20th century is bringing upon us.

The subject seems naturally to fall into three subdivisions; viz, Education for Commerce, Education for the Trades and Other Industries, and Education for Agriculture; the arrangement of the program and the selection of speakers were made accordingly.

It was desired that the leading papers be followed by thorough discussion. Many of the leading educators of the State were asked to participate, but there was no preferment on the program and all were invited to give their aid, in the hope of securing practical suggestions for the use of our school and college curriculums.

SUMMARY OF SESSIONS

Wednesday afternoon, June 28

The Ten Eyck

- 3 p. m. Informal gathering at headquarters
 4 p. m. Executive session of Convocation Council

Wednesday evening, Court of Appeals

- 7.30 p. m. Registration
 8 p. m. Announcements
 Dean JAMES E. RUSSELL, for Convocation Council
 Prayer by REV. D. O. MEARS D.D.
 8.15 p. m. Chancellor's address
 Regent DANIEL BEACH Ph.D. LL. D.
 9.30 p. m. Informal reception in the State Library
 All members of the convocation and guests were cordially
 invited to meet the Regents of the University and the Commis-
 sioner of Education.

Thursday morning, June 29, Court of Appeals

- 9 a. m. Registration
 9.30 a. m. Announcements
 Dean JAMES E. RUSSELL, for Convocation Council
 Presentation of the subject of the convocation by
 President EDMUND J. JAMES LL.D., University of Illinois
 Address: The Teacher and the Business Man
 President CHARLES D. McIVER, State Normal and Industrial
 College, Greensboro N. C.
 Discussion led by
 CHEESMAN A. HERRICK Ph.D., Director School of Commerce,
 Philadelphia

Thursday afternoon, June 29, Senate chamber, 3 p. m.

EDUCATION FOR THE TRADES AND OTHER INDUSTRIES

- Report of committee on consolidation of state organizations
 DR GEORGE P. BRISTOL, Cornell University, *Chairman*
 Address: Industrial Education from a Layman's Point of View
 HON. ROBERT C. OGDEN, New York, Chairman Southern Edu-
 cation Board

Discussion on how to fit industrial training into our courses of study led by

Dean JAMES E. RUSSELL, Teachers College, New York

Thursday evening, June 29, Senate chamber, 8 p. m.

EDUCATION FOR COMMERCE

Address: A New College Degree

Hon. FRANK A. VANDERLIP, Vice President, National City Bank, New York, former Assistant Secretary of the Treasury

Address: Education for Commerce in the Far East

Prof. J. W. JENKS, Cornell University

Friday morning, June 30, Senate chamber, 9.30 a. m.

Announcements

Dean JAMES E. RUSSELL, for Convocation Council

EDUCATION FOR AGRICULTURE

Address: Agricultural Education in America and its Importance to the Commonwealth and the Nation

Dean W. A. HENRY, Director of Agricultural Experiment Station, University of Wisconsin

Address

Hon. W. M. HAYS, Assistant Secretary of Agriculture, Washington D. C.

Address: Ways and Means of Fitting Education for Agriculture into the School Curriculum

Pres. JOHN R. KIRK, State Normal School, Kirksville Mo.

Discussion led by

Prof. L. H. BAILEY, Cornell University

CLOSE OF CONVOCATION

The opening session of the convocation was held in the chamber of the Court of Appeals on the evening of June 28 and was opened by prayer by the Rev. Dr David O. Mears.

Following the prayer the annual address of the Chancellor of the University was delivered by Senior Regent Daniel Beach Ph.D. LL.D.

CHANCELLOR'S ADDRESS

Members of Convocation: In the absence of the Chancellor, and upon the invitation of the Vice Chancellor, the agreeable duty devolves upon me to greet you on behalf of the Regents of the University. This is your convocation. It would be superfluous to repeat formal words of welcome to your own. The University Convocation is a continuous body, although not decorated with a formal charter. The personality of its constituents is continually changing, but its perpetuity is guaranteed by more than parchment authority. Its records of speech for 40 years hold priceless treasures. They embody unity in variety, a unity not of lifeless unanimity or slavish concurrence in details, methods and nonessentials—a virile variety of treatment of topics from differing viewpoints. If those utterances could be edited for condensation only, they would make a most valuable textbook in pedagogy, and a comprehensive history in school and college development. In all these the purposes of the founders were faithfully and consistently observed.

When the University Convocation of the State of New York was organized in the year 1863 its purpose, among others, was declared to be to secure an interchange of opinions on the best methods of instruction in the colleges and academies, and as a consequence to advance the standard of education throughout the State. In the year 1879 a further declaration of the purpose of the convocation was made, which shows that in those 16 years conceptions of educational work had broadened, demanding a larger field for discussion and effort. By ordinance of the Board of Regents the previous declaration of 1863 was extended so as to include the consideration of literature, science and art, and to advance their standards in this State. The program prepared for this occasion is a logical outgrowth of that enlarged declaration. It is but a step from the domain of science, with all that it includes and implies, to the field of industrial and commercial activities. In no partizan spirit therefore, and with a full recognition of all the good there is in the old, as contrasted with, or rather supplemented by the new education, it is proposed to take up this year and consider exclusively, for the first time in the history of the convocation, the relations of academic training to the business, industrial and commercial world.

There are obvious reasons why these subjects and kindred ones have not heretofore been given larger prominence here. The manifold educational problems, consequent upon the marvelous growth

of the schools of all grades in the State within the last half century, questions of school organization, methods of instruction, the training and qualification of teachers, pioneer work—all, at first, left little room for the treatment of many other topics. Added to these the problems of higher education in college and university, so fully and ably treated in convocation year after year, it is no wonder that many other themes awaited later consideration.

And now, when the times are ripe for a somewhat different line of discussion appropriate to this occasion, there could not be, I think, a more fitting period for a new departure than now at the beginning of a new era, marked by the unification of educational work in the Empire State. Nevertheless we are reminded by recalling some occasional discussions within the past 10 years, that the topics now presented are by no means entirely new. Although delayed, they have not been entirely ignored. Just now there is a demand for a more specific recognition of industrial and commercial interests in academic instruction.

It is not my purpose to enter upon the discussion of the topics which are to come before you. It may be helpful if I shall state some facts of history, and remind you what has been done in this State and by the State in this regard.

First as to

Commercial schools

Early instruction in these was limited to arithmetic, penmanship, and a primitive kind of bookkeeping. The initiative was in the private business schools. From the earliest one, known as Dolbear's Commercial College, founded in New York city in 1833, according to the records of the National Bureau of Education, to the Bryant & Stratton schools located in eight cities of this State and also in other states about the year 1853; the Eastman Commercial College at Poughkeepsie in 1859, and Packer's Commercial College in Brooklyn; there was then what has been called the "golden age" of the business college. Afterwards there sprang up similar institutions of varying degrees of merit and usefulness. These being entirely private and proprietary, were not subject to inspection and outside supervision. They were advertised as business colleges, but when the law of 1892 sought to restrict their use of that term, the proprietors as a rule dropped it. From 1896 to the present time a system of registration has been in use in this State. This was brought about through a conference between a committee of the National Convention of Business Educators and the

Regents of the University. The standing indicated by registration is determined by inspection of the schools. This is done by a competent inspector, to whom much credit is due. At the outset it was ascertained that there were in the State 73 business schools. Of these 41 applied for registration the first year. Those showing proper equipment and at least six competent instructors and satisfactory work, are entitled to full registration; others giving evidence that they will in a reasonable time fulfil those conditions, are registered provisionally. During the past year the number of students in the registered business schools was 14,091. These schools are growing constantly in the number of students and in the scope and character of instruction. Advanced subjects have been added since the first registration, including commercial geography and the history of commerce, making the courses much stronger in educational value.

These statements relate to private schools not in any way receiving financial aid from the State. Of the schools in the University having courses in commercial education there are, exclusive of colleges and universities, 45 in all. Of these 34 are high schools, and 11 others are of academic grade. One of them has a five years course; only one a three years course; the other 43 a full four years course. Their work, both in scope and quality, is fully up to the standards prescribed. In addition to these there are 74 other academic and high schools that took at least five of the business subjects at the last regular examination, and it is expected that most of these will in a short time develop full four year courses. A most encouraging feature is that in addition to the public secondary schools already mentioned, 421 other secondary schools took examinations in from one to four of the commercial subjects, exclusive of elementary bookkeeping. Of the 799 high schools and academies, business education has been systematically established in 540 of them. These facts raise serious questions and suggest obstacles. How shall room be found in the academic courses without overcrowding? What shall be displaced if that occurs? I notice with pleasure that we are to have a discussion on how to fit industrial training into our courses of study. I am sure we shall all watch with eagerness for answer to that question.

Another matter kindred to the general subject of commercial education and an outgrowth of it, is the education leading to the new degree of C. P. A., certified public accountant. The number of persons attaining that distinction by actual and thorough examination in this State is 316—a worthy and most useful profession.

Education in the trades and other industries

Assuming that this ground is covered mainly by the engineering courses in the colleges and in the professional schools, I call your attention briefly to what has been done in them in this State. It is well known that the Rensselaer Polytechnic Institute established in 1824, was the pioneer school in theoretic and practical science, and that it was organized in 1849 upon the basis of a general polytechnic institute. Its course includes the recognized branches of engineering and its last catalogue records 375 students.

Cornell University records a class of 376 in civil engineering, and 1039 in mechanical engineering.

Columbia University, New York University, Syracuse University, Clarkson Memorial School, The Polytechnic Institute of Brooklyn, Union University and Manhattan College have departments of engineering. The total number of students in these courses in the higher institutions in the State of New York for the year 1905, equals 1640. Alfred University has a successful plant and a large class in clay-working and ceramics.

Academic education in agriculture

is comparatively recent. The College of Agriculture in Cornell University, founded on the land grant act of 1862, was an early move in that direction. As set forth in the statement of that institution it provides for a system of education that "shall have direct and definite relations with the daily work of persons who must earn their own living in the arts and industries." It has an experimental farm, with full equipment for agricultural and horticultural work, a department of entomology, a chemical department and an agricultural library. The students in this work in Cornell number 184.

Beyond this academic work in the interest of agriculture, the State aims to impart information to its citizens by means of bulletins from its Agricultural Experiment Station, and from a similar department at Cornell. The State Entomologist engages largely in the investigation of insects injuriously affecting various fruits and agricultural crops, and in the dissemination of information by means of bulletins and reports. The State Botanist also attends to matters in his department that relate to agriculture in any way.

Without extended comment upon these statements and statistics relating to commercial, industrial and agricultural interests, we

are justified, I think, in saying, first, that the business school and the commercial courses have earned full recognition as most important agencies. The day of discussion of their utility has passed. The old apprenticeship system in business, as in law and medicine, has been modified. The labors of the student and clerk in the office have been lightened and brightened by the instruction and guidance of the living teacher.

In respect to agriculture, the mother of all cultivated growths for the sustenance of mankind, many things beneficial can be taught in the schools. I need not enumerate them.

The results of academic training in the trades and industries are not yet largely manifest. It is a broad field and may include the whole domain of physical science. There is nothing in the material world reachable by the hand or conceivable by the mind of man, that does not or may not contribute either in matter or natural forces to the arts, trades and industries. As the field of research and discovery seems unlimited, so the factors that contribute to the constructive industries are equally boundless. To receive academic instruction in such things seems like groping in the dark unknown by infant hands. Nevertheless, with strong hands to guide satisfactory results may come.

The achievements of discovery and invention in this young century appeal to our admiration and quicken the imagination. Whence do all these come? Are they fruits of inspiration more than of earth? It may not be an unwarrantable stretch of fancy in view of the amazing discoveries in science throwing light upon old mysteries in nature, to conceive with all reverence and humility that such wonderful things may not be so much the achievements of unaided human genius as the unconscious obedience of man to the primal decree, "Let there be light."

I am impelled to call your attention again to the character of the addresses, papers and discussions of former years in convocation. They furnish examples worthy to be followed. They were upon the broad lines of sound scholarship. They tolerated no one-sided development, nor the substitution of glitter for solid acquirement. I do not apprehend that speech and work here, now or hereafter, will be upon any lower plane. Expansion of work into new fields should not mean the abandonment of the old. Extension of boundaries should not imply or involve the destruction of cherished and established landmarks. There is ample room for consideration and recognition of both the old and the new education, each for its special ends and aims.

In conclusion let me urge that in all proper earnestness and zeal for the training of the youth, we should not forget that it is manifestly not alone the benefit to them personally that is to be considered. John Stuart Mill said: "Education is the culture which each generation purposely gives to those who are to be its successors, in order to qualify them for at least keeping up, and if possible for raising the improvement which has been attained." Amplify this by characterizing culture as moral, mental, physical, and as including all things that promote civilization, good government and good citizenship, and we have an epitome of an ideal education from the viewpoint of public interest and public policy. This attained, each generation will pass on to the next a civilization as good as it found. While it is true that in this country every child is entitled as a personal right to an adequate education, which may incidentally be of use to him in earning a livelihood, the greater ultimate purpose should be the education of the whole body of citizenship by the training and culture of its individual units, primarily, and even exclusively, for the good of all, in intelligence, morals, and in everything that tends to promote the highest civilization and conserve the common weal—the commonwealth.

Following the address of Regent Beach an informal review of the subject of the convocation was made by Commissioner Draper, in which was set forth the trend of modern development in the fields of commerce, industry and agriculture and the demands made upon the educational system of the country.

Thursday morning, June 29

Presentation of the subject of the convocation

THE PROBLEM OF COMMERCIAL EDUCATION

BY PRES. EDMUND J. JAMES, UNIVERSITY OF ILLINOIS

Introduction

I understand that my duty is to open the discussion for those who are to follow. Therefore my remarks will take the form of rather dogmatic statements put in such a form as to call forth the largest amount of dissent which such statements may call forth on questions about which there is destined to be as much difference of opinion as there is on this subject; if we really go to the bottom of things and raise the real issue. The point was

brought out yesterday evening by Dr Draper when he said the question before the American people today, so far as our educational system is concerned, is, are we ready to face the issue of establishing on an adequate scale a system of trade and professional schools? Are we ready to face the issue plainly of introducing into our elementary, secondary and higher schools the principle of trade education, using that word "trade" in the largest sense? Are we willing to quit attempting to defend the introduction of manual training into our elementary schools and high schools on the ground that its sole purpose is to develop the intellectual and moral side of our pupils, and admit the fundamental fact that one of its great purposes is to assist in preparing students to earn a livelihood and for living in a large sense? That it seems to me is the fundamental thought in this whole discussion.

Now I do not deceive myself as to the improbability that the American people are willing to take a favorable attitude on this subject at present. I am inclined to think it will raise a lively discussion and the more definitely the issue is stated and the more it is pressed, the livelier the discussion will be. I am certain that the protest that one hears on all occasions against any attempt to make our public schools in a measure trade schools, or the possibility or desirability of introducing this element of trade education into our public schools, is an indication of the general feeling at present. Now, I believe the real essence lies in that very proposition,—are we ready to begin to train our American boys and girls to be efficient in the struggle for life, by adding to the general training one may get in the ordinary public schools this new element of special training for vocation. If we are not ready to do this, then we are not ready to deal with this question in any fundamental way. The real question then is, are we now ready to begin to put our school system as a whole in the service of that training for efficiency which the American people need certainly as much as any other people?

I shall give you the summary of my paper at the very outset. And you will thus have before you the points on which you may express your dissent subsequently.

My proposition, in brief, is that the wonderful expansion of our American system of education during the past century has been accompanied by two important developments; i. e.

1 The increasing application of the principle of school training for vocation.

2 The introduction of the ideal of productive scholarship.

In fact it has been maintained that these two forces have been in large part the very causes themselves of this expansion.

We see this most clearly, perhaps, in the universities. They have become, especially the older and stronger institutions, in large part, groups of professional schools—law, medicine, theology, teaching, engineering and farming.

Even the colleges are developing the same way. The elective system, where the financial resources of the college are adequate,

permits the student to concentrate his attention on a few subjects and those practically professional. The graduate school is almost purely professional. It contains no students except those who are preparing to teach or for some one of the practical vocations, like chemist, bacteriologist etc. The senior year, and in some cases the junior year, in many of our institutions, is devoted in large part to what are really professional studies, though they are sometimes called preparatory to the professions.

This development has been beneficial, especially owing to the application of the second principle in the higher schools; i. e. the idea of productive scholarship as the basis of a true professional education.

This latter in its extreme form is a German idea; i. e. that the best school training for a learned profession is that which trains the candidate to the ability to advance the scientific state of his particular profession, and inspires him with the desire to do so, leaving to the profession itself the actual induction into practical life.

Thus the best method of training a teacher in mathematics is, according to the German idea, not to fill up the candidate with the knowledge of all mathematics, but rather to train him in such a way and to such a point that he may become an independent investigator in the domain of mathematical research. In the same way the training of the physician, as far as it is undertaken by the university, aims at making him an independent investigator of disease, qualifying him to take up in a scientific way any special case of disease which may come up in his practice.

What is true of the university is also true of the higher technical schools and increasingly so as the years go on.

Now as the universities have thus developed in the direction of special and professional education for those people of the community who wish to enter the so called learned professions, so the desire of the community for greater efficiency in every department of its industrial and commercial development has led to an increasing perception of the necessity of, and an increasing belief in the efficacy of specific and special training for each and every calling for which it is possible to work out a feasible curriculum. In other words, the desire of the people for a practical education has led in the past, and will lead still more in the future to a general acceptance of the principle of theoretical and practical school training for vocation.

This means, in brief, that we are to have not simply law schools and medical schools and theological schools and engineering and farming schools; those we have already, but schools suited to each and every kind of calling in which skill is a matter of any importance. It means the trade school for the artisan as well as the professional school for the lawyer; and the support of the latter out of the public treasury can certainly not be justified on any other grounds than those which will amply justify the support of the former.

The century which is now drawing to a close will be known to posterity, among other things, for three great features: increasing wealth, rising democracy, spreading education. It will be characterized as the age of wealth, the age of democracy, the age of education. No preceding century in the whole history of the world has seen anything like the absolute and relative increase of wealth which has marked the past hundred years. The significance of this remark will be borne in upon our consciousness if we reflect for a moment that it is the age of steam and electricity. The power of men over Nature has been indefinitely increased and expanded. Men had used machines for many centuries preceding the dawn of the 19th. They had developed at certain places and certain times remarkable applications of natural and human force to overcoming the obstacles which Nature offers to man's dominion. But taken altogether, and taking all nations and all times, no such increase in human power has ever been marked within so brief a period as that which we have seen within the last hundred years. Time and space, those two great obstacles to man's control of the powers of Nature, have been largely eliminated. The effective force of one pair of hands has been indefinitely increased. A slight notion of what this means may be gained by considering the fact that in the year 1892, even a country like Germany was reputed to have possessed in its mills and on its railroads steam engines with an aggregate horse power of 7,500,000. As the maximum amount of work done by a horse power is equal to that of 42 human laborers, there was in the laboring force of the German Empire, represented by its steam engines, a total equal to the power of 350,000,000 able-bodied men. There were then not over 20,000,000 able-bodied laborers in the German Empire, and the steam engines alone represented therefore about 15 times the aggregate power of all the laborers within that domain. It is not too much to say that the population of the single state of Germany, with an area not exceeding that of Texas, is equal today in working force to the combined

efforts of the population of the whole world at the beginning of the century. The United States has today within its borders an effective power in the engines at work, far surpassing the total possible power of the entire population of the world a century ago. In many lines of work one man, with the aid of a small machine, may do as much as 50 or 100 men could have done at the beginning of the century. While in other departments, owing to the development of the application of steam and electricity, one man may do what all the population of the world combined could not have accomplished 100 years ago. This enormous increase in the power of man over Nature, and the consequent increase in the sum total of wealth, has made several things possible which seemed to the men of even a century ago unrealizable, perhaps, in the whole history of the human race. The application of machinery upon this large scale makes it possible for the human being to get a sufficient subsistence from the soil by working a comparatively small number of hours and has thus given us the possibility of the leisure which is necessary to the development of a higher type of civilization in all classes of the community.

We are, of course, simply at the beginning of this development, and the achievements of future ages will doubtless cast far into the shade anything which we have accomplished since 1800, but I believe that for all time to come the last century will be known as the one in which the beginning of this development was made, a beginning so great, so powerful, so sudden, that it will strike the imagination of men in all future ages, and will continue a fundamental epoch in the history of civilization distinguishing future developments from past.

Intimately connected with this increasing wealth has come another development which will be no less characteristic, and that is the rise of democracy, the beginning of a development which will in the long run result in the government of the people, and by the people, and for the people. Democracy in this sense is something absolutely unknown on any large scale to any previous century. The ancient world produced no specimens of a democracy in the sense in which the United States is a democracy, or in the sense in which England is a democracy, or France a democracy, or even Germany, Australia and Italy. The political systems of the cities of Athens and Rome, which at one time had certain democratic forms of government, were based upon the slavery of the many, the absolute subjection of the mass of the people to the control of the few. No possibility seemed to have entered the minds of the Greek and

Roman statesmen that a time would ever come when all human beings, by virtue of the fact that they are human beings, should be recognized as having an equal value in the eye of the law, and when the normal adult males in society should have a direct voice in shaping and controlling the government under which they lived. This is an absolutely new idea in the history of institutions and it has been reserved for the last 25 years to fairly accept it, and thus open the era of democracy. Our own country could certainly lay no claim to being a democracy in any true sense of the term, as long as its welfare rested in large part upon the institutions of human slavery, nor had it any claim to be considered a democracy in the largest and truest sense of the term, nor has it any claim to be considered even now as anything more than a democratizing community, that is a community, growing toward a democracy, until we have reached a time when at least every adult male of sound mind, shall have been brought to such a point that it will be safe to permit him to have a direct and proportionate share in determining the policy of the government in which he lives. Unfortunately this time seems to be still far in the future, if the recent developments in the Southern States of our Union may be taken to indicate the line of movement.

Prior to the year 1848 one of the most powerful and enlightened countries of Western Europe—Germany, had in its most important members no recognition in the law of any participation in the act of governing or legislating on the part of the great masses of the people. The first representative assembly with any real legislative power did not meet in Prussia until after 1850. Since that time, with giant strides, the idea of popular government has moved with ever increasing force, and although we have not by any means solved the difficulties in the organization and working of such government, we have at least arrived at a time when any other government is impossible.

I have said that the rise of democracy was intimately associated with the increase of wealth, a fact which we are sometimes too prone to overlook. No large society could possibly be democratic which was not also wealthy. As long as the average human being finds it necessary to devote his whole mental and physical energies to the mere matter of keeping soul and body together, as has been the case during all the preceding centuries of human history, there is no chance for a democratic government in which every man shall have a proportionate and equal place with every other. To democracy, to participation in government, a certain leisure is necessary,

and until the power of man over Nature has developed so far that he can acquire the necessities of a subsistence in a small portion of his time, it is impossible to secure that amount of leisure for the great mass of humanity which is necessary to the development of free government. The only way in which a shadow of democracy was possible in the ancient world was to be found in the absolute subjection of the many to the few, who thus obtained a certain amount of leisure which they might devote to the higher sides of human civilization. In other words, a condition of practical slavery whether legalized or not, was the necessary condition of the great mass of human beings until the age of machinery made possible the creation of wealth which secured to the great mass of men a degree of leisure absolutely unknown to preceding generations. The men therefore who sometimes talk about the accumulation of wealth as a source of danger to our democracy, are prating, it seems to me, of idle things. One great need of our civilization, as it has always been, is wealth, more wealth, and even more wealth, with a consequent increasing ease of life, increasing leisure and increasing possibility of improvement in the great masses of the people. So this age will be known, in my opinion, to future generations as distinctly the age in which democracy took a start in such a different way, and on such a different scale, and in which wealth began to increase at such a different rate as to distinguish it from every similar period of development in the whole history of the world.

But this age will be known for a third characteristic, no less important and at the same time intimately connected with the two preceding, and that is the ever spreading and ever deepening education. For the first time in all human history, we have set before ourselves the problem of bringing the possibility of an elementary education to every child in the community. We have definitely assumed the burden of unlocking for every person, so to speak, the treasures of the world civilization, or at least of giving a key to those treasures to every individual in society. Universal education has seemed to past generations, so far as they have thought of it at all, to be not merely an impossible and impracticable thing, but to be dangerous, indeed a ruinous thing, if it should be possible to carry it out. The Athenians educated the male free citizens of the Athenian state, a mere handful of the members of that community; the Romans educated in the same way the male free citizens of that state, a still smaller handful, and even the most advanced of our modern European communities had never until this century in their utmost state of advancement, done more than to

propose universal education, than to talk about universal education, or at the most to make feeble advances toward securing it. Indeed the idea of universal elementary education, which involves almost necessarily, as a practical matter, although not necessarily as a logical matter, a free elementary public school, I say this idea and its external realization is a creation even more distinctly than democracy itself of the last quarter of a century. It was not until the waves of the Civil War had subsided in this country, and not until legal slavery had been abolished, that even our own American states took up in earnest the problem of establishing a sufficient number of free public schools in all parts of their territory to bring home to every child the possibility of such training as an elementary school may offer. England, in many respects the most enlightened of our modern states, did not grapple with this problem seriously until after 1870, and it was not until after the Franco-Prussian war that France and Italy took up in earnest this problem, and made such progress as to justify us in saying that they also have not only accepted this as a principle, but are rapidly realizing it in the actual institutions in the life of the people. This idea has found expression in the practical determination of modern nations to assume as a public function the burden of organizing and supporting the elementary school. The extent to which this has gone one may find reflected in the sums of money which modern nations expend on elementary education. If you take the budget of any of our modern cities which have a life extending back over a century or more, and compare the total expenditures for public purposes today with that of 100 years ago, and note the purposes for which this expenditure is made, you will be struck, I think, first of all by the astonishing way in which the budget for education has grown. If you examine the budget of the city of New York, or Philadelphia, or Baltimore a century ago, you will find practically no sum set apart by those communities as communities for the support of education, or at least only very small sums, while you will find that today, the largest single item of expenditure in all those cities is for education. You will find that whereas our American states devoted almost no money at that time, and even 50 years afterward, to this same end, the appropriation for education today by the American state government exceeds perhaps the appropriation for any other purpose, and even the federal government itself has been appropriating, in the form of grants of public lands, and lately of cash, enormous sums of money to the support of this same cause. And this same development has been no greater in the United States

than in other countries. We sometimes imagine that European countries are devoting themselves so exclusively to the development of their military systems that they have no money to spend upon education, but as a matter of fact, even those nations which spend the most money upon their military systems have been increasing enormously in every direction the money spent upon their educational system.

So this age will be known, not simply as the age of wealth, the age of democracy, but also as the age of education. And at bottom these three great things are parts of one and the same thing; no great development along either of these lines, such as we have seen in this century, could possibly have occurred without a similar development in the others. No such development of wealth could have taken place except as the incident to a steadily rising standard of education, to an ever increasing efficiency of the individual laborer growing out of his education, and as a result of the countless contributions to invention and to industrial progress springing from the growing intelligence of the great mass of the people; nor would that wealth have been created except by free laborers, and by people who were becoming freer. No such total average output could ever have been associated with slave labor under any condition, and the increase has mounted rapidly as the individual laborer and the laboring mass has become freer. Nor could freedom, nor could the democracy have been possible, not simply without the wealth which I mentioned before, but without education, since nothing is more generally accepted than the proposition that to the successful democracy an educated citizenship belongs. On the other hand, education could not have taken the shape which it has taken today unless society, owing to its increasing wealth, had been able to assume the increasing burdens connected with its diffusion, and unless, owing to the rising spirit of democracy, the demand for education had continually increased. Upon this trinity, therefore, wealth, democracy, education, will be based the claim of the last century to be ranked among the remarkable centuries in the world's history, and upon this trinity will be based the progress of all subsequent centuries to come.

On this occasion, I desire to call your attention especially to one of these three features; i. e. the growth of education, and by education I mean the kind of training and instruction which is given in definite educational institutions organized for the purpose of giving this training and instruction. I am aware that education has a much larger meaning; we are educated by all the count-

less influences of the family, church, industrial, social and political life which work in upon us from every possible direction. Indeed, we might almost be tempted to say that the sum total of those indirect influences is far greater and far more important than the sum total of those direct and specific educational agencies which take part in our preparation for living. But while this is true, these are the influences which in one way or another have worked upon the human being to a greater or less extent since the dawn of history. They have taken a peculiar and special coloring in this century, and under modern conditions. They have become more comprehensive and more intensive, and in any exhaustive discussion of education they would certainly have to be taken into account, and their proper sphere assigned to them. But for immediate purpose today, we need not concern ourselves with other things than those particular educational influences which are organized into specific institutions with a definite purpose of training, instructing, educating the children, youth and adults of a community.

This spread of education has shown itself along every line of national and community life. The development of elementary education has been no more remarkable than the growth of secondary and higher. This, of course, is natural, and what would be expected by any student of education, but it is a fact which sometimes has escaped the attention of the general public. No sooner had the elementary free school system become firmly established in our American states than the demand for facilities for secondary education began to grow up, and we find emerging, here and there, at first slowly, with halting steps, finally more boldly, with an ever increasing claim to consideration, and with an ever more rapid movement, the free secondary school, known in this country as the public high school. In proportion as the intelligence and wealth of our communities have increased has this demand for more and better high schools become more imperative. The development of this institution has been remarkable, and has had a most profound influence upon our American system of education, lower as well as higher. But even before this institution had taken firm root, the demand had already arisen for a still higher type of institution, which should express the aspiration of the community after a still higher education, as well as offer facilities for the same. We find, therefore, in most states of the Union, as a result of a complex of influences, which I need not stop to describe, the state university. Hand in hand with the de-

velopment of this institution has gone a general enlargement and development of facilities and equipment, in all the higher institutions of the community, which taken together shows quite as remarkable an advance as on any other side of our modern life.

On this occasion I desire to call your attention to this development of education to which I have referred as it has been affected by what may be called the principle of special or technical training. And in order to put this matter into a concrete form, I may lay down as the proposition to which I wish especially to call your attention this evening, the statement, that the development of education in the United States during the last century and a half is particularly noticeable for the development of special, technical, professional training.

We can not of course divide education by any hard and fast line into different classes, but for our special purpose we may divide education as a whole into two classes—general or liberal education, and special or professional education. By the former we mean that education which has for its primary object the general development of the individual, the training of his powers considered as an intelligent being; by the latter, the training of the individual conceived as a member of a calling, his training to undertake and carry out the specific duties of some special occupation.

General or liberal education has sometimes been defined as education for living; technical education as education for a livelihood. The former has to do primarily with the attempt to excite and train all the different sides of the human being. The latter with the attempt to train especially and particularly what may be called the peculiar quality of the individual with a view of preparing him for some specific vocation.

As I said a moment ago this division of education can not by any means be strictly upheld in attempting to mark off either the work of individual schools, the work of individual teachers, or the work of individual branches or departments of a school system. All education is liberal and general, no matter how technical it may be. All education is technical and special no matter how liberal it may be. Thus if we take those objects which are considered par excellence, liberalizing, i. e. those underlying, common subjects of all education, reading, writing, ciphering, drawing, singing; all these subjects do not merely open the mind of the child, do not merely give him a general or liberal training, but prepare him specifically all the better for every individual occupa-

tion he may take up, they are tools in any calling. They are, therefore, even in this widest and most general sense technical and special. On the other hand, the most narrowly technical subjects, like technical chemistry or the study of the strength of materials, or mechanical drawing—all these do not merely prepare for some specific calling or some group of specific callings, but they also perform the function of opening the eyes and quickening the hearing, of training the judgment to as high a degree perhaps as any subjects mentioned before.

But not only are all the subjects commonly classed as general or liberalizing, in reality technical or special in the sense which I have just indicated, in that they prepare the persons who take them the better for any occupation which they may pursue; but those subjects which are ordinarily spoken of as general or liberal par excellence, i. e. the study of language and history and general mathematics and pure sciences or a curriculum based on these subjects exclusively is of itself highly special and technical as the whole history of our education demonstrates. When the proposition was made some years ago to establish manual training high schools, the argument was advanced against such a policy—that it was no part of the business community to look out for technical or special education; its function was completed when it had established or maintained what may be called a general or liberal high school curriculum containing only those elements which are common to the education of all classes such as was characteristic of the existing general high school courses. An examination of actual facts showed that the so called general or liberal high school course was in many respects a highly technical one, at least in the common idea and notion of the general public. Thus it was found that the people refused to send their children to the high schools unless they were looking forward to going to college or going into some form of business life in which the specific knowledge acquired in that high school course was supposed to be of special value to them. It appears that the great bulk of the boys and girls in the high schools of even the old liberal or general type were there because their parents fancied that they would get something in that curriculum of special utility to them in the callings which they expected to take up. In the second place it was found that of the pupils who actually finished the high school course, the vast majority went into a comparatively few callings, so that at any rate the bias produced by the completion of such a course of study

was strongly in the direction of a few specific occupations, and strongly away from the great mass of others. The same thing was true of the old-fashioned literary so called liberal general course in the colleges.

Men took this course often not because they were concerned about getting this liberal or general training which ought to underlie all special training, but because they thought that the particular so called liberal training of the college would prepare them the better for the particular calling which they had chosen.

In spite of this consideration, however, in spite of the fact that all education worthy of the name is at once liberal and technical, or to repeat what I said a moment ago, that all general education is special in a certain sense, and all special education is general, it will still be found to be of advantage for the purpose of our discussion this evening, if I accept this general division as expressing a certain broad distinction between the purposes, and to a certain extent, the functions of two great classes of schools—the schools which aim to give a fundamental and common training, that is the training common to all the specific callings, and therefore, a training to be called general or liberal; and the schools which take for their specific aim the purpose of training the individual for some specific definite calling. Now, my proposition is that the great improvements in American education which have been effected in the last century or century and a half have come about largely through the increasing acceptance of the principle that every human being ought to receive a special, specific, technical or professional training for his future life work if such a training be possible. I may go further and say that the history of the last century in the United States demonstrates in a striking way the growing faith of the public in the efficiency of school education as distinct from the so called practical training of active life; that with every passing year we see a wider acceptance of the proposition—that it is possible to construct a special school curriculum adapted to specific training for the given calling which it will be worth the while for the individual to complete if possible before taking up the practical work of his profession. There are multiplying on every hand evidences of a growing belief in the superiority of the well planned, carefully elaborated, properly administered school curriculum as a preparation for life over the haphazard training of the shop, the factory, the farm, or the street.

Now, let us for a moment glance at the history of American education and see whether in its broad outlines this proposition is substantiated. If we were to take as a starting point the year 1750—it is only a century and a half ago—all the original colonies had been established and had developed the wants and needs of civilized life as the standard of that time demanded. Some of them had been established over a century; important cities had developed on the Atlantic sea coast and a high standard of civilization had been actually achieved at very many centers within what is now the limits of the United States.

If we examine the educational system of that time we shall be struck by the marvelous meagerness both as to the variety of institutions in existence and as to the equipment for work in the institutions which had been established. There was generally speaking the elementary school, in which those children in the community whose parents especially desired it found an opportunity to acquire the rudiments of an education. In New England, the most developed section of the country, the elementary school had gone hand in hand with the settlement of the community and every town was supposed to be looking out in an adequate way for this opportunity of an elementary, that is to say, fundamental, general, liberal education. There was further, the grammar school, in the old New England sense of the term, the school which prepared for college, which took the children of the well to do and offered them an opportunity to extend somewhat the scope of the elementary training. And finally there was the college which gave the only form of higher training which that community knew, and this higher training was nothing more than an extension of the grammar school. Language and mathematics formed almost the entire curriculum of the institution; Latin, Greek, a little Hebrew, arithmetic, the elements of algebra, geometry and the Holy Scripture formed the basis of the entire system of higher training offered in the colonies. The college was intended primarily for the education of the clergymen, it was not only a liberal, or general course in one sense of the term, but it was a special or technical course in preparation for the study of divinity.

You do not appreciate what this means until you look at the negative side of the picture and find out what was absent from this educational system. The elementary system itself was confined to reading, writing, and ciphering. Drawing, singing, history, nature study, manual training, any one of the numerous

so called fads which are valuable features in some of the best schools of today were conspicuous by their absence. Even in the grammar school and the college, of the scores of subjects which are today to be found in our greater colleges and universities which may be pursued by the individual student as branches of his liberal training only three or four were to be found at all.

But even this system of higher education which was primarily a preparatory training for the clergymen did not offer any specific technical or professional training such as we are accustomed to associate with the better organized school of theology. The student who desired to become a clergyman after completing this course in the college then took his special divinity studies with some practising minister. There was no opportunity for the physician or the follower of any one of the numerous branches of medicine to get even elementary instruction in physiology, to say nothing of the technical subjects of a medical course. The physicians, like the surgeon and the dentist and the veterinary surgeon, so far as they had any training whatever, were compelled to obtain it from some actual practitioner who was willing to take them into his office and give them such a training as they might acquire from watching him practise his profession.

The same thing was true of the lawyer, and as there was no medical school so there was no law school in the colonies at that time, no opportunity to obtain any instruction in the elements of the sciences underlying this career. Even the teacher had no special opportunity to prepare himself for the work either in a general or special way. It was supposed that if he graduated at college he not only knew enough of any subject-matter to enable him to teach it in any position to which he might be called, but that he was also thoroughly qualified from a professional point of view. There was no normal school, nor was there any one of the numerous special schools which are a striking characteristic of our society of today. No music school, or business college, or art school, no school for any one of the engineering callings. In a word, absolutely no opportunity for any man to acquire special training in preparation for the special calling or profession. What I have described as the condition in 1750 was in a broad way the condition in the year 1800. The principle of technical education had been recognized, it is true, by the establishment of a medical school in connection with the University of Pennsylvania and by the establishment for brief periods at two or three different institutions; of professorships in law, but other-

wise there was no recognition of what we are coming to feel is a fundamental principle of modern social, industrial and educational life, i. e. that it is possible to offer a school training in preparation for many callings at any rate which should be of great value to the persons who are thinking of taking up these callings.

It was reserved for the last century to establish at first in a slow and halting way, but subsequently by enormous strides, a vast variety of special schools in which a special preparation for some special calling or pursuit is offered. Broadly speaking, it was the double decade from 1840 to 1860 which saw a distinct recognition of this principle in such a form as to give some slight inkling of the enormous extension which it was to receive within the last two decades of a century.

The principle of technical education in the engineering profession had been recognized by the establishment of an incomplete scheme of training as early as the year 1824. Theological and law and medical schools had been established at various places in the country prior to 1830, and it was the last year of the thirties that saw the establishment of the first normal school in the United States of America. But in the 20 years which elapsed from 1840 to 1860 the number and variety of special schools increased with marvelous rapidity. They were years of enormous material prosperity in the United States; they were years of great territorial expansion and a rising standard of civilization, of increasing wealth, increasing education, increasing complexity of social life, and increasing difficulty in the great material problems which the country was called upon to face.

The start which was taken in these two decades has been kept up with marvelous energy and marvelous persistence during the 40 years which followed, and today we find most striking evidences in every direction that whatever else the last century may have brought to us it has established once and for all the feasibility, desirability, nay, necessity of special technical professional education for all classes in the community, for all occupations for which such a training can be elaborated.

As in so many other departments of human life, especially in this country, this development had been very unequal in many parts of the country, and in many kinds of callings very incomplete. It is perhaps more complete today in the field of medicine and in the field of the engineering professions than in any other departments.

I can remember the time when it was no uncommon thing to hear a physician advise a young man who desired to practise medicine not to go to a medical school, on the ground that he would be wasting his time, advising him rather to go into the office of a practising physician and there learn the business practically. I think it is safe to say today that the physicians who would give that advice are very few and far between and belong only to the most ignorant of their class. There are perhaps dentists who would give the same advice, but they are becoming fewer with every passing year.

The principle for which we are contending has not by any means acquired the same wide validity in the field of legal education as in that of medicine. It is still no uncommon thing for the lawyer to advise a young man not to go to a law school on the ground that legal training in the schools is nonsense and far inferior to the practical education offered in the lawyer's office. I still find many clergymen who depreciate the value of theologic training in a theologic school. It is still true that the average teacher in our public and private schools has not received any special technical or professional training in pedagogy or the various branches of knowledge connected with it. It is still true that the average college professor of the United States performs his work with the simple knowledge of the subject which he had upon leaving college; to say nothing of devoting any time or attention to what may be called the purely professional aspects of his work. Many are the engineers who have not had the benefit or the injury, if you choose to call it so, of special school training in the technical institutions. But in all these departments the victory of the well planned, well ordered curriculum over the irregular and uncertain training of so called practical life is becoming more and more assured.

The very meaning of the term university in its modern significance shows this change of attitude, this change of mind. What is a university? It is today a great complex of professional or special schools having for its object the special, technical, or professional training of its students for the callings which they expect to take up. Nearly all universities have, it is true, also a college as a constituent part or appendage, but the college in the sense of a department in which liberal studies are offered to students who do not yet know what they want to pursue as a livelihood is destined to play an ever decreasing part in our great universities. Our so called graduate schools are purely technical

or professional departments. You will find no students at work in them except those who are preparing for some definite pursuit; they specialize their work, they devote their attention to few subjects. They are looking forward chiefly to an academic career and expect to become teachers in high schools, colleges or universities.

The technical school in the narrow sense has played a most important part.

Its function has been a twofold one of great advantage to all. The school of technology has in the first place done valuable service for the community in offering a special training for certain specified callings. It has thereby conferred a great service on the individual benefited by qualifying him better to earn a living. It has done a still greater service to society by supplying it with a more numerous and a far better personnel in the technical callings. But it has done more than this—one of the most striking services it has done for education in general is to be found in the reflex influence which the whole idea for which it has stood has exercised upon higher education in the United States. In the field of medicine, and law and theology, and above all in teaching there has been great need of a high degree of special, technical, professional training. The technical school, the schools of technology, the schools of engineering and polytechnic institutes and by whatever other name they may have been called exercised a steady, persistent and powerful influence in educating the people as to the desirability of a higher standard of technical and professional excellence.

Such schools as the Massachusetts School of Technology, the Reisselaer Polytechnic, the Stevens Polytechnic and the corresponding department of our state universities have exercised a most profound influence upon university policy and university ideas. If the engineer or the architect or the chemist needed a special training, certainly the physician, lawyer and clergyman and teacher needed it as much. And as these technical schools have demonstrated their right to an existence by the value of their great service to the community, so they have demonstrated the need of a sounder training in all the other callings for which it was not their function especially to care.

The technical school has not only trained the American public to believe in engineering education, but it has given a powerful impetus to all kinds of special and professional education in other departments of life.

To illustrate still further the idea I have in mind, I should like to formulate briefly from one point of view—that of the student of economics and politics—the function of an American system of education and you will see in this formulation and in the brief argument which I may connect with it, my own conception of the fundamental importance of technical education, using that term in the largest sense in any national scheme of training.

What, then, should be the fundamental object of an American system of education, looking at it from an economic point of view? My answer in brief is the fullest possible development and training of all forms of ability, mental, moral and esthetic, which at present exist or which may be cultivated in the American people. This does not mean merely the development of the ability of a few individuals to the highest point, or of a few types of ability in many individuals, but of all useful types of ability in all individuals.

We may draw a useful comparison from the economic world. In my view the economic policy of a country should be directed toward developing all its material capabilities. All the advantages of soil and climate should be exploited to their utmost. Its natural water ways should be corrected and improved. New means of communication should be opened. Its rivers should be bridged, their navigable channels deepened and widened; railroads built, canals opened; turnpikes constructed; its mineral wealth made accessible and available; its agriculture encouraged along all possible lines; its live stock improved, new and better crops introduced, its forests cultivated, fish planted in all its streams, in a word, everything which will develop the material resources of the country and place them at the disposal of man. This demands a careful and well considered policy, directed toward developing our industrial resources, manufacturing, commerce, mining, agriculture and forestry. Is there a gold mine or a silver mine or coal mine in some remote portion of the national domain? If so, the economic policy of the country should find it out and make it a part of the available resources of the nation. Is there a possibility of some great crop which will revolutionize agriculture, and make a thousand grains grow where one grew before, if so, the economic system should discover this crop and naturalize it. Is there the possibility of some great and fruitful industry which can bring the blessings of civilization to an otherwise barren waste? If so, the economic system should introduce and develop it.

In the same way, the educational policy of the country should be directed toward calling forth and training all of the resources of the human being, so to speak; to exciting and developing all the various forms of faculty, using that term in the good old New England sense. Is there the possibility of a great singer in some outlying rural district? If so, our educational system should find it out, and having discovered it, it should never let go its hold on the boy or girl—sent of the gods—until the very highest possibility has become a reality. Is there in some lonely schoolhouse among the hills, a possible Edison, or Newton, or Faraday, or Darwin, or Stevenson, or Webster, or Elliott, or Gilman, or Brooks, or Beecher, our educational system should seek him out and put him on the highroad to his loftiest usefulness. Is there in some city school on some bench in the slums a boy who has it in him to be a great farmer, our school system should reveal that fact to him and put him in the way of this real opportunity. No less should the school system take hold of the child of moderate or mediocre abilities and by bringing out the best that is in him make a new center of life and power where none would otherwise be.

Our common schools then should not only teach the absolute minimum, not merely impart a certain amount of instruction, which every child in our society should have; but it should engage very largely in what for lack of a better term I must call the exploring work; i. e. its curriculum should be so constituted that it may assist in discovering the capabilities of children. It must then furnish them so far as possible efficient assistance in developing their capabilities in every direction, and this means a vast variety of technical, professional and special schools of high school grade, of college grade and of university grade. This development may be illustrated by the needs of commercial training.

We are now ready, I believe, to take a great step in advance and to wrestle with the problem of providing a special training for that large proportion of our young people who expect to go into mercantile, commercial or business life. Thus far, with few exceptions, the only special provision for such training has been made by the so called business or commercial colleges, which are such a striking characteristic of our American educational system. Proprietary institutions nearly all of them; having a purely practical—one might almost say material aim. I do not wish to say a word against them. I believe they have done and

are doing a most valuable service both to the young people who attend them and the business classes whose interests they subserve. I have no sympathy with the current slurs upon their function or their character. Such belittling criticism as is usually meted out to them springs, it has always seemed to me, from ignorance of the work of the schools and the practical needs of our American life. Lincoln has well said that you can fool some of the people all the time; and all the people some of the time; but not even the shrewdest of knaves can fool all the people all the time. The fact that year after year young people (who have to earn their own money) can be found by the hundreds and thousands who will pay high rates of tuition for the teaching of these schools and that they will advise their friends to do the same thing, and will send their own children to the same kind of schools is, to my mind, a proof of the valuable service they are rendering our society, which the unanimous testimony of all the college presidents in the country to the contrary, would not weaken in the least.

They are, however, usually of a purely elementary character, far from being as efficient for the purpose as they should be even in the best specimens, and in their worst they almost justify the severest things said about them.

Now even this work I believe our public school system should take up, and our endowed academies and institutes should cultivate and foster because I believe they would do it better and under better surroundings than the average commercial college can do it. They could turn out stenographers and typewriters and bank clerks of a higher type because the spirit of the school would be more liberal and educative.

The easy objection to this is that this would be paying for trade and professional education! Of course it is. But by what system of reasoning can you justify the support of high schools to prepare the children of the well to do for college and the professional school as is done now in every state of the Union; or the support at public expense of universities where the children of the well to do can get the training for the practice of medicine, or law, or divinity, or engineering, or farming as is done in nearly 40 states of the Union, and yet deny all opportunity to the children of the less fortunately situated to get a training which will prepare them to be more efficient members of society in their field of work?

The properly organized, well equipped commercial high school such as exists in France, Germany, Austria and most other European countries, will serve this purpose. I believe that every large city in this country should have such an institution, and the large cities several—schools which would insist thoroughly in the disciplinary and liberal quality in their curriculum, while at the same time they would offer the opportunity to get that practical knowledge and skill which could facilitate the obtaining of employment. If the curriculum is properly constituted and properly taught the young people will get a valuable mental discipline and culture, though it may not carry with it a knowledge of the philology or history of the wonderful peoples of antiquity.

But in our scheme of national education, we should not stop with providing facilities for commercial training for pupils in our secondary schools. We must advance to the higher schools. We must prepare to train leaders in commerce and business and not merely clerks and bookkeepers. We must insist that the college and universities shall turn their attention to training men for the careers of railroading, banking, insurance, merchandizing, as they now do for law and medicine and engineering.

The common answer to this by institutions that are unwilling to adopt innovations or have no money to establish new departments is: The best training for business is a general college education which will unloose a boy's powers, set him intellectually and morally free, and then let him go into the practical work. It has not been so very long since we heard that doctrine preached in regard to the training of the clergyman, lawyer, physician, dentist, engineer, farmer, teacher. It is the same old objection which has always been made to any kind of special, professional or technical education.

Surely we need such education badly enough if it be found practicable to elaborate a curriculum.

Look at the state of the business world today even in the most successful and commercial countries. We have the greatest banks in the world; and the greatest bankers. Yet look at the banking system of the country! In a chronic state of fear bordering on a panic because of the obscure system of government finance, and yet no bankers or statesmen seen to have been developed thus far who can devise a scheme which will be practicable and acceptable at the same time. I do not suppose that a lot of college professors constituting the faculty of a school of commerce could devise such a scheme—I know them too well to dream

such a thing—but I do believe that if such schools turned out young men with a sound training in the sciences underlying this great department of business some of them would become wise enough in the great school of life to solve this and similar problems as their brothers from the technical schools do over bridges and over skyscrapers.

Look at the condition of our railway system today. We have the greatest railways in the world; the fastest long distance trains; the lowest long distance freight rate; the ablest railway managers, and yet who will say that conditions are even approximately satisfactory from any point of view? Who does not believe that if our railroad men were better educated and trained as a class we should have a better managed railway system?

It has grown clear beyond their abilities to grasp or control. A prominent merchant in Chicago assures me a freight car leaves the city of Pittsburg today for Chicago much as the old time sailing vessels left New York for London. It is launched upon a trip whose duration no one can foretell. Not even the system of wireless telegraphy enables any shipper or railroad official to trace its course. After the lapse of many days it may arrive at Chicago only to be lost in mazes of a freight yard whose intricacies the combined wisdom of the freight agents of Chicago can scarcely trace. What do the long history of railway bankruptcy (over three fourths of the railway mileage in this country has passed through bankruptcy in one form or another) and recent consolidation of railways mean except that a majority of the men who have been in charge of railways for the last 50 years have not understood their business? They managed so poorly that bankruptcy finally stared them in the face, in spite of such an abundance of traffic that at times they could scarcely move their trains. Take the whole system of trusts and combinations which is exciting such universal attention. Many are the conspiring causes leading to this marvelous development, economic, social and political. But no one can doubt who studies the question that one of the prime causes is the inefficiency, ignorance, lack of courage, and initiative enterprise of so many of our business men. Statistics show that a majority of the men who take up a business career fail. Messrs Morgan, Rockefeller, Harriman, Hill etc. are able men—marvelous men, but they are largely so, relatively speaking because the average man engaged in business is such a small man. Like his counterpart in any other calling, he is timid, distrustful, resourceless, helpless in the face

of a sudden crisis, ignorant, uneducated, untrained, even in his own business. And thousands go from one branch of business to another—failing in all alike. The people perish from lack of knowledge even as they did 2500 years ago in the time of the Hebrew prophet.

Who can doubt that our business classes, like all other classes, need education, training, not in the classics perhaps, though I have no objection to that, of course—quite the contrary in fact—but also in the principles underlying their own practice.

Do not mistake my meaning. I am not here talking of the successful business man, of course, but of that great majority who fail, if statistics are to be believed. I go even further. It is well known that the man who has a genius for business will succeed, training or no training—or rather he is sure to get his training in the business. So the man who has no sense for business will never succeed no matter how much training he receives, or rather he can never get a training no matter how long he toils at it.

The right kind of training, however, will facilitate success even to the genius; it will minify failure even to the dullard in this line, while it will do an enormous amount for the average man forming the vast majority in this as in other occupations. It will render success for him more certain; and make failure more rare. A general training of this sort would make such performances impossible as the presidents of our great insurance companies have been guilty of. The remarkable development of our society in its economic, social and political aspects has caused a marvelous development in our educational system, and at the same time has determined the form and substance of this education. Our schools have, of course, had a great influence on our economic advance, but the latter has had a determining influence on the former.

It may well be questioned whether it is a great medical profession which has created the great medical schools or the great medical schools which have created a great medical profession. They have, of course, reacted on each other, and the truth is, perhaps, that they have each been created by circumstances outside of both.

An advancing and educated society demands by the very laws of its own development an educated and trained body of leaders in all departments of its life. This body of men it will have. If life itself produces them without the intervention of the schools, well and good; we may safely leave it to life. If life fails to do

this and the schools have any thing to offer we may be sure that their services will be in demand. I believe that we have reached a time in this country when all conditions are favorable to larger development of special training in our secondary and higher schools for the future business man.

In the first place, the country demands now as never before, and the demand will become more and more imperative that its business men shall be educated gentlemen as well as good business men; and experience teaches that the rank and file of a profession or calling will get a high degree of education only in connection with professional or special training.

In the second place, the business men themselves are beginning to demand of their sons who will succeed them in business a higher standard of education than they accepted for themselves, and they are looking about for a center of study and curriculum which will not wean their boys from business, but will stimulate their interest in business while it qualifies them for its problems.

In the third place, the youngster who feels within him the desire of going into business is now asking himself as his predecessor never thought of doing—now, is there any school where I can prepare myself better for my future career, and so he is looking about for just this opportunity.

In the fourth place, the progress of the economic and social sciences has finally begun to give us a body of doctrine and knowledge which furnishes us the requisite means of training the intellect by the study and application of principles at the same time that it supplies a mass of fact which interpreted by the principles may become the basis of practical training.

And finally the colleges and universities themselves are waking up to this need as never before and they are all asking, what can we do to supply it.

President Wilson of Princeton asked sometime ago, "Why, you wouldn't have the colleges teach business, would you?" Most certainly we would, and if not the colleges then the universities and all institutions which aspire to be in that category.

Twenty years ago when I first took up the subject of higher commercial education my voice was that of one crying in the wilderness. The University of Pennsylvania led the way. But it remained for nearly 15 years without an ally. And then the other universities began to wheel into line. California, Chicago, Wisconsin, Michigan, Ohio, Illinois followed within the space of five years. Colum-

bia has announced its intention to follow as soon as it can get the money. It is only a question of a brief period when all our leading universities will be committed to the policy.

As the University of Pennsylvania in its Wharton School of Finance and Economy was the first university to lay out a college curriculum for the future business man, it was natural that the city of Philadelphia should have been the first city to incorporate in its high school system a distinct recognition of the value of this commercial training in secondary education. Other cities had previously established high schools—with two or three year courses, called *commercial*, but they were simply commercial colleges of the ordinary type supported by public taxation. The Philadelphia school was the first experiment of a modern type. New York followed on a large scale and it will only be a short time when other cities will do likewise.

In closing I wish to repeat what I said above, viz, that the most cogent ground for my belief in the steady, irresistible development of this movement is to be found in the character of our civilization. Ours is a commercial and industrial as well as agricultural country. Our great leaders for a generation to come will be our business men. But our country is becoming civilized and educated. We shall insist that our leaders shall be educated and trained men. The rank and file of no great body of men ever became educated and trained except in connection with a training which leads directly to their calling. Hence a great commercial school will be developed. As these schools must base their training—if it is to be higher training at all—on the sciences underlying the art they will be most easily and effectively developed in intimate relation with the other schools which train for the highest sort of leadership, and those schools make up the university. Hence the home of the highest sort of commercial training, like that of the highest sort of any kind of training, will be the university. We may accelerate the movement somewhat if we work for it; we may retard it a little if we oppose it, but in either case its progress is sure, its ultimate victory inevitable.

MONOGRAPHS, PAPERS, AND ADDRESSES ON COMMERCIAL EDUCATION BY EDMUND
J. JAMES

- 1 Das Studium der Staatswissenschaften in Amerika. Conrad's Jahrbücher for Nationalökonomie und Statistik N. F.: VII Band. Jena 1883.
- 2 Outline of a Proposed School of Political and Social Science. Philadelphia Social Science Association 1885.

- 3 The Study of Politics and Business at the University of Pennsylvania. Philadelphia 1889.
- 4 Schools of Finance and Economy. Address before American Bankers' Association. Saratoga 1890.
- 5 Economic and Social Aspects of Public Education. American Institute of Instruction. Boston 1891.
- 6 The University and the Higher Education of Business Men. National Education Association. Toronto 1891.
- 7 A Plea for a Commercial High School. Address before the American Bankers' Association. San Francisco 1892.
- 8 Philadelphia's Need of a Commercial High School. Address before the Philadelphia Board of Trade. Philadelphia 1892.
- 9 Education of Business Men in Europe. Report to the American Bankers' Association, New York, 1893. Ed. 2. Chicago 1898.
- 10 What should be the Curriculum of the Commercial High School? Address before the Educational Club of Philadelphia 1894.
- 11 The Business Man and Higher Education. Missouri Bankers' Association 1896.
- 12 The State University and the Higher Training for Business. Address before the State University of Missouri 1897.
- 13 The Modern University. Commencement Address before the University of California 1898.
- 14 The Public High School and Commercial Education. Report of the Chicago Educational Commission 1898.
- 15 The Function of the City University. Commencement Address before the University of Cincinnati 1899.
- 16 Commercial Education. Monographs on Education in the United States. Department of Education for the United States Commission to the Paris Exposition of 1900.

Nos. 1, 2, 5, 13 and 15, discuss the subject of commercial education only incidentally as a part of the general work of the university or as that of special departments of politics and economics.

THE TEACHER AND THE BUSINESS MAN

BY PRESIDENT CHARLES D. MCIVER, STATE NORMAL AND INDUSTRIAL COLLEGE, GREENSBORO N. C.

The general theme of this convocation seems to be the proper recognition of industrial education as it relates to general scientific and literary culture. I take it that the object aimed at in your program is to define this relation and to secure a general recognition of it among all classes of citizens. A greater sympathy on the part of every class of workers in the world for the work of every other class is necessary. I hope, therefore, that what I shall say upon the subject, "The Teacher and the Business Man," will be in accord with the purpose of this meeting.

Of the various classes of workers to whom the world is in debt for the progress of its civilization two important classes (and each an essential class), frequently appear to be in open or secret conflict. One class, led by the teacher, the preacher, and the editor, uses all the money it can command to convert into ideas. The other class, led by the merchant, the banker, and the manufacturer, uses all the ideas it can command to convert into money. The extremist among the former class, in his zeal, is apt to undervalue money because he knows that real ideas, the outcome of correct thinking, result in noble ideals. The thoroughgoing money-maker, on the other hand, too often regards an idea as of no consequence unless it can be converted directly and immediately into dollars.

There is, however, a sensible middle ground between these extremists where well regulated citizens may stand. Money is worth nothing without ideas and ideals, and yet ideas and ideals can make little headway in promoting civilization without the sympathy and the cooperation of wealth and wealth producers. There would be fewer extremists on either side of the proposition and more general progress in the world if there were more knowledge of each other's work and a closer bond of sympathy between the typical teacher and the typical business man. A prominent college president and party once visited the mountains of North Carolina, and spent the night with a typical mountaineer. As they were entering the mountaineer's home, the old man said to the college president, "I guess you 'uns knows a good many things that we 'uns don't know nothing about." To which the college president replied as modestly as he could: "I presume that is true." "And I guess," said the mountaineer, "that we 'uns knows a good many things that you 'uns don't know nothing about," to which the visitors laughingly assented. The old mountaineer did not smile but replied solemnly, "Well, mixin' will larn us both."

It would be easy to show where the business man generally falls short of his obligation to the work of the teacher and the unwisdom of this course; and if I were addressing a company of business men I should discuss that phase of the question; but as I am speaking to representative teachers and educators of a great State, I desire to call special attention to where we, as a profession, fall short of our obligation and opportunity.

Educational leadership

Aggressive educational statesmanship among teachers and public officials is the need of our time, and every state that has not developed such leaders will do so within the next five or ten years. We have made some headway in this direction in North Carolina recently, and decided educational progress has been the result during the past four years. Little of this progress, however, would have been possible but for the long continued agitation for the past fifteen years by the teachers themselves, who must always and everywhere be pioneers in the great movements of civilization. Their patient sowing has prepared the way for the great reaping of the present and the greater reaping of the future. The preacher must lead the battles of the church, the lawyer is the natural leader of legislation, especially as it relates to civil rights and courts of justice, the physician leads in sanitary legislation, and the banker in financial thought; so the teacher, who knows the entire educational question from the standpoint of the child, the schoolroom, the teaching profession, and the citizen must point the way in matters of education. If we can not do this, then society will finally demand teachers who can do it, and the sooner the demand is made and met, the better it will be for the world. The teachers of this country must learn to become tactful mixers with men and active agitators for more liberal educational investment. To some extent we are doing this already. Undoubtedly the teacher is more influential as a citizen than ever before. We have passed away from the time when the old woman, being asked how many children she had, replied, "Five—two living, two dead, and one teaching school."

Until recently almost no candidate for political leadership appeared before the people of North Carolina outside the cities, advocating an increase of taxation for schools. But two years ago I was startled when on Thanksgiving day I heard a clergyman in his prayer express gratitude for the spread of the local taxation idea. The last democratic platform of North Carolina rejoices in the educational activity of the people, and for the first time, so far as I know, in the history of political platforms, expresses gratitude to the teaching profession in the following language: "And we further express our cordial commendation of the work of the teaching profession for the mental, moral and material advancement of the people, and pledge for the future our best endeavors to strengthen and increase the usefulness and efficiency of our whole public educational system."

In the newspapers of North Carolina a few days ago, there appeared the advertisement of a large commercial establishment headed: "The teaching profession underpaid. Forceful, wide-awake teachers in demand in other callings." The following language is used in the first two paragraphs of the advertisement:

It is a well recognized fact that the teaching profession is less adequately compensated than any other, and that no other calling includes in its ranks so many underpaid men of force and talent.

It is also true that the forcible, wide-awake teacher is in demand more and more in other fields of endeavor just as honorable and far more remunerative.

Your attention is called to these last three incidents to show how thoroughly the agitation, begun and continued by the school teachers of North Carolina, has permeated its entire life. With the pulpit grateful to God for the spread of local taxation, and the dominant political party of the state expressing its gratitude to the teaching profession for agitating questions the very mention of which, fifteen years ago, frightened the average politician, and with the commercial interests not only recognizing and advertising the fact that the public does not adequately compensate teachers for their work, but also paying them the compliment of trying to tempt them into business, we can almost see the "promised land."

Compared with the large investments made by many wealthy states in other sections of this country, North Carolina's figures would seem insignificant, yet I have heard of wealthy states, dead and shrouded in self-satisfaction, with which I would not be willing to exchange educational conditions. I would rather be a healthy man at the foot of the mountain advancing steadily and with the upward look of hope and faith than to be a corpse on the peak, or the blasé traveler who has gone over the entire road and is slowly descending while possessed with the delusion that he is standing still on the summit. When a man is on the right road it is not of great importance whether he be at one point or another. The direction in which he is moving and the rate of his speed are the important questions. The glory of the struggle to which Southern educators are called and the prospect of certain victory is such exhilarating inspiration that I feel sorry for those in other sections who have not the opportunity and for those in our own section who lack inclination or the resolution to participate in the struggle.

Most serious educational problems not peculiar to any section

It is not my purpose, however, to discuss questions peculiar to one state or one section of the country. I do not hope to entertain you by solving or even announcing any new problems. If I were to suggest a new one it would be, "What shall we do with our problem solvers?" Many of the so called problems would solve themselves if we could have an epidemic of lockjaw or palsy among the solvers. I shall not discuss new questions nor mysterious doctrines. Sam Jones, the Georgia evangelist, when discussing the mysteries of the Bible once said, "The mysteries of the Bible do not disturb me; it is the things I understand that give me trouble."

Teachers' salaries

In studying the educational conditions of the various states, as my limited time has given me opportunity, I have been amazed to find that with all the differences of climate, population, industries, and wealth, the essential educational needs of New York and of North Carolina are not so different as might be expected. Both states are wrestling with the question of school consolidation; both states are laboring under the delusion that they can save money by employing low priced teachers, and statistics show that New York, like North Carolina and all the other states, still regards a carpenter or an ordinary laborer with very little skill as deserving better annual compensation than is paid to its elementary teachers who are the builders and sustainers of its civilization.

The average annual salary of elementary teachers in the rural sections of the United States where more than half our population lives, is about \$300, which, all things considered, is less than the average wages earned by unskilled labor in the fields. The minimum salary of teachers in New York ought to be \$500. The minimum salary in Maryland is \$300, and Indiana, West Virginia, and Pennsylvania have set an example to the other states by establishing by legislation a minimum salary rate.

Defect in the teaching profession

Whose fault is it that more than half the citizenship of America is trained by teachers whose average salary is less than a dollar a day for the working days of the year? Directly and indirectly, it is largely the fault of the teachers themselves. The trouble is that the teacher is not such a citizen as he ought to be. The

lawyer is not only the adviser of his clients in the office and their representative in the courthouse, but he is the civic guide in his community especially as to lawmaking and the management of the details of courts of justice. The physician not only heals his patients in their homes and at the hospitals, but he is the adviser of his community on sanitary legislation. In other words, the lawyer and the physician not only do their professional work, but they are citizens of the community in which they live. Likewise the school teacher should be not only the teacher of the youth of his community, but also the most influential adviser on all matters of legislation that pertain to schools and the rearing of children into useful citizenship. Every community, and nearly every family, has its hero physician—a kind of local oracle—its hero lawyer, its hero banker or business man, but the hero school teachers are dead. We do not live with our contemporaries but are content to spend our time almost exclusively with the generation which is to follow us. Our voice does not have due weight in our own generation even in legislative matters relating to education. Of all the skilled workers in the world the teacher is probably the only one who is ever refused the privilege of selecting the tools with which he will work or the weapons of his own warfare. I have seen textbooks decided upon by a committee, not a member of which had been in a school for twenty years, and the committee's only influential adviser seemed to be a lawyer who was paid an attorney's fee to give the advice. Imagine, if you can, carpenters allowing brick masons to select their tools, or fishermen allowing field hands to determine for them the character of their fishing tackle or the bait that shall be used!

What is a citizen?

What is a citizen? It is a person who does the work of his particular calling according to the best of his ability and who contributes something in thought, leadership, or other service to the public welfare. I once asked a class in civics to describe briefly an ideal citizen. A young woman gave this answer:

He is a man who works and who earns a living for himself and for those dependent upon him; who pays his taxes promptly and cheerfully; who obeys the laws of his state and country and who studies those laws with a view to helping to improve them; he must love his country; in time of war he must be willing to give his life for it, and in time of peace he must not complain if called upon occasionally to contribute a quarter to a torchlight procession or a free barbecue.

If the teacher will only be this kind of citizen he can influence the opinion of his contemporaries, but if he lives exclusively with children, and receives such meager compensation that he can not mingle with the world either through its literature or through travel or through daily association with the business people of his own generation, he must wait until he is dead before his opinions on civic matters have any weight. I do not mean to imply that all lawyers are citizens or that all physicians are citizens. The fault that is almost universal with our profession is a fault common to a large part of every profession and calling. Frequently the business man is only a mere money-maker.

I do not forget that the teachers of this country are the seed corn of its civilization. It is their business to hand down from one generation to the next the best that their own generation can do and know and be and dream. They are the seed corn and none but the best and strongest is good enough to be used. We ought, however, not only to train children to become good citizens but we ought to help teach adults what true citizenship means.

Taxation not a necessary evil

There is a common error among people that taxation is a curse, or at best, only a necessary evil. Some one has said in another connection, "If it is necessary, it is not evil; and if it is evil, it is not necessary." The fact is that taxation is the mark of civilization. The savage alone is exempt from it. Let us teach the world that liberal taxation, fairly levied and justly used for the public good, is a blessing. One reason that the compensation of teachers is small is that we have never had a large enough company of bold educational leaders who were determined to make the people see the truth in regard to taxation and in regard to teachers salaries and other educational investments. If we are willing to go to the tax books and find out how many taxpayers there are in our community, and, by making a calculation, show how few there are who are contributing in taxes as much as \$5 or \$10 a year for the public school system, we would make many a man ashamed of himself, who is now complaining bitterly because he imagines that he is paying the entire school tax of his community. Let us teach honestly and boldly that education is not only the *best* thing in our civilization for which public money can be used but that with the exception of ignorance it is also the most expensive. What does education cost?

The cost of education

The elements in the cost of education are three: money, the teacher's life, and the pupil's drudgery.

An educated man or woman at 21 years of age has cost some one of some institution about \$5000 in money, but this is the smallest part of the cost of his education.

The second element, the sympathy and vital force expended on the part of his teachers, if they have done their full duty, is a much greater and much more precious expenditure.

But more important than the money and the teacher combined is the drudgery invested in education by the person who is trained. Education can not be given to any one. It can not be bought and sold. It is as personal as religion. Each one must work out his own mental and spiritual salvation. This is the fact that makes democracy possible. It is the salt that saves the world.

Parents and philanthropists and cities and states can provide the money and furnish the opportunity; the teacher, if what he ought to be, can furnish the encouragement and inspiration, and all this ought to be done in generous and masterly fashion; but the principal ingredient in education must be furnished by the self-denying drudgery of the student. He is the pearl of great price for whom we can afford to sell all that we have and in whom we can afford to invest it. Probably not one child in ten can be persuaded to do the drudgery necessary for scholarship.

But the public welfare, the preservation of the ideals of civilization and even the production of wealth depends upon that one tenth of the population. The world can ill afford not to tax itself to the utmost to secure leaders of thought.

When at a banquet George Peabody, the great philanthropist, made his first donation to his native town of Danvers, now Peabody Mass., he was not present himself but sent with his donation the following sentiment as a toast: "Education, a debt due from present to future generations." Education is not a charity. A boy or girl can not be pauperized by giving him or her a chance to drudge for a period of fifteen years at the hardest labor ever done. We must not only do our duty as teachers in the classroom but let us use our influence as citizens to persuade the men and women of today to discharge their debt to the generation that has preceded them by the most liberal provision for the generation that must take their places.

DISCUSSION

CHEESMAN A. HERRICK PH.D., DIRECTOR SCHOOL OF COMMERCE,
PHILADELPHIA

I am very sure that the chairman of this meeting has expressed the sentiment in the minds of all of us that a discussion is entirely out of place after the impression that has been made by these masterful addresses. I want to express my appreciation of the help Dr McIver has given me today, and of the great work he is doing in his own state in the advancement of the high ideals for which he has just spoken. It was my good fortune to spend some time in his state and to know from personal contact of the great educational reform in which with President Alderman, now of the University of Virginia, and Hon. Charles B. Aycock, formerly Governor of North Carolina, Dr McIver has had a very large part. I shall never forget a statement of Dr Alderman to the effect that it used to be that the county courthouse was the chief center of interest, the thing about which the people talked and where they found the inspiration for their lives; but Dr Alderman says of North Carolina, and I believe it is coming to be true in other parts of the South as well—and it certainly ought to be true in a larger degree in this fair land of ours—that the school and the things for which the school stands are the center of life.

There is another personal acknowledgment for me to make in the discussion of this morning. I wish to express my great indebtedness to President James, a man under whose instruction I sat for several successive years and to whom I owe more than I can tell in inspiration and in stimulation for the work which I have later undertaken to do.

In attempting to gather up some of the threads of this discussion it may be that President James will pardon me if I attempt to interpret and restate some of the things that he said. It seems to me in the first place that President James has almost defined anew for us professional and technical education; with him a professional and technical education is liberal; his trade school is not a trade school in the old traditional, conventional sense of the word, but a school which gives breadth of training, one which gives an attitude toward life as well as toward a trade or calling; a trade school is thus one which furnishes the broad fundamentals of a particular occupation and sends out the product of the school to serve his apprenticeship in the actual work of the world. The best professional schools today, I believe, are those that give a broad training in the great fundamental principles

of the professions. We have cut out of professional training a vast deal of the minute and detail of the professions. We do not try to equip the practitioner with every possible bit of information, with specific solution for every problem that will arise in the future practice of his calling, i. e. minutiae and detail would be largely forgotten in any event and when the future practitioner needs them we know he can very readily acquire them if he has the proper discipline of mind and attitude toward his work, that is, if he has been grounded in the great fundamentals of his profession.

And what is true with regard to the professions is true with reference to preparation for a career in industry or commerce. We have today had set before us the ideal that men should be prepared to serve an intelligent apprenticeship. They should be sent forth equipped to do the work of a particular trade or calling and not given ready to hand every bit of information that will be needed. We have sometimes had the thought that it was the business of the special school to equip the follower of a particular calling with every detail that he might need, but we are coming more and more to depart from that ideal and to hold to the other view that if the future practitioner is grounded in the fundamentals of his calling he will himself take care of the details as he goes out into practice. The Baldwin Locomotive Works does not want employees trained in their trade, they want them thoroughly instructed in drawing, familiar with the principles of engineering and having some conception of materials; they want apprentices with that sort of preparation that they can train to do the work in their own establishment, and it is that kind of applied education that will be of most worth to our young people. Some have had the conception that our schools of commerce were going to turn out trained and finished business men who could go into a great export house and carry on commerce with distant parts of the world and immediately and directly become directors of great industrial enterprises. I do not believe that we shall ever accomplish that result. The best we can hope to do is to give our young men a grounding in the principles which underlie their future callings, give them a professional attitude and an insight into and love for their work, a determination to do the work to which they go with their best effort and with their best intelligence; and if we can accomplish that much in the special commercial school we shall have realized the ideal which President James has set before us today.

I am not sure that I follow President James's statement concerning the character of the trade school he would have. One may doubt whether it is the proper business of public education to attempt to reproduce in the form which he suggested at the close of his address the old-time commercial school or business college or the trade school in a narrow sense. It seems to me that there is a fundamental distinction that we should here make affected by the people who want to get their training in the shortest space of time. If they want that sort of thing they ought to be required to pay for it. But when we come to education that is founded upon public support we should consider not the particular individual, but in a broader way the entire community of which the individual is a part, and we ought to consider the broader training which will result in a better community life and any public opinion which we endeavor to form by these discussions should be favorable to that broader education. The community needs the preparation for a broader citizenship rather than the training for a narrow specific trade.

I believe further in the statement of the second speaker that the teaching profession has too largely been in the world but not of the world. Teachers have set themselves peculiarly aside. It is not a new thing that is here noted. It is the old distinction between the world and the cloister that prevailed in medieval times. We have met it with regard to every branch of our education. I can remember when the distinction was very sharp indeed between the so called "hayseed" farmer and the college trained farmer; when the scientific agriculturalist was looked upon as a bookman who did not know what he was dealing with; and on the other hand this person looked upon the practical farmer as ignorant and narrow. That was the case also with regard to our engineering and technical education at one period of its development, and that is the case now with regard to a broader development of commercial education. Schoolmen pride themselves on lack of the qualities which make business men successful, and business men pride themselves on the possession of those very qualities. They are somewhat like the Pharisee in Holy Scripture who thanked himself that he was not like other men in general and in particular that he was not like some particular man. Society has fallen into the way of regarding the teacher as being outside the pale and as having little in common with other people. I have in mind the director of a large and important commercial department who served in that position for many years, but who was

without business instinct or business experience and who habitually overdrew his bank account; and I heard recently in a gathering of teachers a man make the statement that he was notoriously unable to manage his finances and often had to borrow money from the other members of his family before the end of the month. I meet frequently business men who are disposed to cast reproach upon books and the influence of books. They point to themselves and say "I began as a boy of 13 or 14 in the office and I worked my way to the head of the business and I think that is the thing to do."

Lack of understanding has led the school and the business world to fall more and more apart. But taking that as a fact I want to say two or three words with regard to ways in which that line of division may be broken down. I can of course only make suggestions along these lines. In the first place it seems to me that we ought to bring more of the business world into the school by way of counsel and advice. We ought to seek out the representative business men of the community in which we reside and we ought to learn enough of their business so that they will respect us and be ready to cooperate with us, and let us cooperate with them in making the work of the schools better. We ought to become factors in the community; and we can get a patronizing attitude from our business friends or a cooperative attitude from them according as we do or do not understand something of the work that they are doing.

Not only ought we to seek these men for advice but we ought also to bring them from time to time into the school and ask their aid in carrying their ideas into operation; and I have found in my own experience a readiness and a capacity on the part of representatives of the business community to come into the school and talk about their work. In this way we will broaden and enrich our school curriculums. Addresses of the sort mentioned should be followed by class discussions and quizzes which will make sure that the material which they present is understood and that it is coordinated with the other work of the school. We will thus encourage more practical work in the school, broaden the school horizon and prepare those who go out of the school to meet the conditions of the actual world. But this is not all we will do. Immediately and directly that sort of thing will have its result upon the men who come. While they are instructing us we will also be instructing them. The very fact that a business man is asked to talk about his business dignifies it in his own mind. He will raise his ideals

and standards and he thus becomes a better man in his calling. It is just here that we are a success or a failure in bringing the spirit of the actual world into the school. We have somehow the false conception that if we have carved panels and plate glass and mahogany furniture and if we have the school fixed up so that it looks like an office or a bank, that is all that is necessary. But I want to say that these are dead things and you might have all the business furniture in Christendom in a school and yet fail to breathe into that school the life and spirit of the world outside; and to my mind there can be no force going into a school worth more for its up-building on the practical side than the bringing of representatives of the world into the school and hearing from them of their work and coordinating that work with the work of the school.

There is another aspect of this question touched upon this morning that stirs me very deeply; that is the demand which the life of the present places at the door of every educational institution. The words of President Roosevelt in his address at Harvard yesterday serve as a suggestion that we need men with high ideals in public life, and we need them just as much in business and in the professions; and it is for the establishment of high ideals in these several callings, for the dignifying and broadening and enriching of these callings by putting instruction on them into the schools that we ought particularly to work. We had also yesterday a declaration from three new directors in the Equitable Insurance Company that they needed directors in that company who would regard as a distinct violation of trust the use of the funds of the company directly or indirectly in the promotion, underwriting or syndicating of new or uncertain enterprises, or in the investment of such funds in speculative stocks or securities; and further that men who are more concerned in making money for themselves than in discharging a sacred trust should not be directors in any life insurance company. These are high ideals and it is only by bringing the commercial world into the school and projecting the school into the commercial world than these ideals will be realized. In brief it seems to me that it must be borne in upon us by public events, by these circumstances and by a multitude of others, and by the life of the cities and the nation that we are going through a great economic and industrial change, almost an industrial revolution—destructive of life, destructive of property, destructive of morals. I saw recently a most startling tabulation of the killed and wounded in the great battles of the Civil War, and the killed and wounded annually on the railroads of the United States and in the Pennsyl-

vania coal mines; the loss of life which stirs our deepest feelings when it happens in war is permitted to go on unchecked in our industrial and commercial enterprises and without disturbing us in the slightest degree. Our great strikes are destructive of life through violations of law and also through the suffering which they cause. Incompetents are being crowded out and are lost to civilization; and all this goes back to our system of education and demands that we train a higher type of men than we have trained heretofore and a higher type of men than we are training by holding tenaciously to inherited and traditional forms of education.

Thursday afternoon, June 29

Convocation called to order at 3.10 o'clock, Regent Daniel Beach in the chair. The chairman announced that the first order of business would be reports of special committees.

Dr George P. Bristol—At the last meeting of the convocation a year ago, after some discussion on the floor and particularly after a very earnest address of the Commissioner of Education a committee, of which I had the honor to be named chairman, was appointed to investigate the subject of a possible consolidation of the various state organizations now existing in this State.

The committee has met; we have conducted correspondence and we have been looking into the question and even discussed it. The committee finds three bodies of teachers in this State and we find that there is a general agreement among the teachers that we have too many state organizations; too many organizations with annual meetings, an attendance upon them involving considerable expense; too many organizations to make it possible for the teachers of New York State to have any one single way of expressing themselves. When it comes to a hard and fast agreement upon some satisfactory scheme for improvement and for bettering our present condition there is but little unanimity of opinion; and so, Mr Chancellor, on direction of the committee I wish to make a report that the committee has studied the question intrusted to it and wishes to report progress and express its belief that satisfactory means of union will be found and to respectfully ask that the committee be continued for another year.

Chairman—If there is no objection the report will be received and the committee is continued as requested.

EDUCATION FOR THE TRADES AND OTHER INDUSTRIES

INDUSTRIAL EDUCATION FROM A LAYMAN'S POINT OF VIEW

HON. ROBERT C. OGDEN, NEW YORK, CHAIRMAN SOUTHERN EDUCATION BOARD

My appearance as a speaker in this presence suggests that I am here in a position analagous to that of the frightful example at a temperance lecture. In the attempt to express some impressions of a layman concerning education for industry my task is to present, and personally illustrate, the appeal of the uneducated.

My first impression is that most positively I represent the class for which I am to speak. The attempt to find the bearings of this occasion has brought vividly to my own consciousness my ignorance of the general conditions of education and more especially public education. It is clear to my mind that I am in this respect only one of a very numerous class.

Residents of New York city may learn casually from a brief newspaper item that in the last fiscal year the appropriations for public education in their city were, in round figures, \$40,000,000; that this sum was realized from four different sources of taxation and was distributed upon a half dozen lines of expenditure. Men think of financial questions in millions, but with the great majority the remoteness of personal relation with any of them dulls individual interest. Actual millions by hundreds, thousands of millions in stock certificates make the warp and the woof of current commercial news. Thus it comes about that the senses are so dulled by figures as to cause statements about great aggregations of money to fail of impression. The lack of civic pride, a deficient sense of public responsibility, careless familiarity with great figures of municipal expenditure, all combine to create ignorance and indifference with the average citizen in respect of public education. The same condition exists in regard to the higher institutions of learning. A small academic circle maintains an active interest in Columbia University and its colleges, New York University, the College of the City of New York, but these titles, with that of the public school system, are but nebulous terms to the vast majority of the people.

This condition should not exist. The statement of it is doubtless dull and trite. But nevertheless a campaign of education is needed whereby the comfortable, wellfed, wellclothed, wellhoused,

smug, self-complacent people of New York should be instructed concerning the fountains of intellectual life in their own community. At this point both the ignorance of the intelligent and the ethical sense of the righteous demand skilful treatment. The fine boundary, if such a line exists, that marks the border between intelligence and godliness is difficult to find and the attempt would be needless. If, however, popular knowledge respecting the constructive force of education as now proceeding in our country could prevail, many of the cheap, pietistic platitudes concerning materialism and commercialism would fall powerless. Every one knows only too well that the tendency to measure all things in money terms exists. It gives a foothold for current cowardly cant upon the decadence of the national conscience. Like the servant of the Hebrew prophet, good people stand aghast at the things that appeal to sight and hearing and cry, "Alas! What shall we do?" Just here comes in the prophetic power of this and similar organizations. The need of American democracy is stronger backbone, a larger development of faith. That faith will follow a greater knowledge of the vast forces now working for intelligence and righteousness in this land of ours. Traditionalism needs to learn that change is not of necessity decay, that progress is multiform and many-sided.

I have no apology for this little wandering in a field not contemplated by my instructions—it is simply the call of the ignorant to a convocation of the wise. And yet the suggestions I have ventured to make may be entirely within the scope of education for industry from a layman's point of view. If my facts are truly facts, they indicate a field of industry for educators.

Possibly, an illustration of popular ignorance may be found in the fact that to a vast majority the terms "manual training", "industrial education" and "technical education" are interchangeable and synonymous, having practically the same meaning. It is important that the distinctions between these points should be known and understood by every intelligent person, but for my present task their exact definitions may be dismissed. From a pedagogic standpoint education for industry presents many interesting angles for study and discussion, but none of these details at present concern us. To the man of affairs education for industry requires a much broader definition than industrial education and even technical education. The demand for larger industrial efficiency is even greater than yet recognized by the greatly increased educational opportunity. The scope of educational theory should be so broadened as to include the needs of commercial and industrial,

equally with professional, life. Educational practice should send into the world of work boys and girls, young men and young women, who may desire special training, equipped in some degree for specially selected occupations.

The demands of the mechanical and scientific trades and of the learned professions for specially trained candidates are admitted, but the numerous and diverse occupations, each requiring special knowledge by the worker, having to do with the distribution of merchandise seem thus far to have escaped the particular attention of educators.

Ample illustration of the public demand for intelligent service and the lack of supply for that service can be found in the experience of retail merchants, and more especially in the management of the large concerns that concentrate in one organization the handling of many diverse sorts of goods.

These establishments of the larger sort need many sorts of service. Daily mechanical needs call for carpenters, plumbers, steam-fitters, electricians; executive requirements call for many sorts of accounting, for stenography and typewriting; and merchandise management must command accumulated knowledge of markets and products. Everything is special and technical, but the merchant must depend, save only in mechanical service, upon men and women specially educated by himself or by some other merchant.

Changing conditions not only call loudly for changed service, but give new and wide opportunity. General public intelligence grows apace in respect of taste in selection and knowledge of the merits and qualities of articles and fabrics. Persons having money to expend upon the decoration and furnishing of houses, or upon articles for personal use involving questions of art, require, in making a transaction, intelligent and well informed service concerning the particular goods under consideration. But more especially the merchant needs trained sales persons, possessed of the intelligence to present his wares with knowledge to the intelligent and with instruction to the ignorant, persons who can speak with the confidence born of real knowledge upon the merchandise they are employed to distribute. These conditions are repeated throughout the whole vast collection of different classes of goods, staple and fancy, prosaic or elegant.

Into technical occupations like these thousands of young people are annually seeking entrance from the high schools and grammar schools. They come with high hopes, with honest pride in the successful result of graduation examinations, and confident that, with

education secured, they are in position to rightfully draw upon the world for a good place in its service.

But, almost without exception, this great contingent comes to the wage-earning, self-supporting period of life without any special knowledge of the particular things with which they are to deal, and so deficient in practical knowledge as to raise a serious question as to the quality of the education upon which the State expends so much money. Incidentally, it may be asked whether the addition of a moderate sum would not vitalize and perfect, to a point of practical efficiency, the rudimental education now in vogue.

The attempt to present a statement of the case in hand opens a wide and bewildering and impossible range of suggestion, from which it is not easy to select desirable points for consideration.

A few simple illustrations may, perhaps, make my meaning more intelligible. A young man or well grown lad presents himself for employment and suggests furniture as the sort of merchandise which his taste and preference indicates as interesting and therefore the best line for his endeavor. But he knows nothing about furniture and his employer must become his instructor. His real technical education must go forward in such haphazard fashion as the exigencies of the business may permit and the boy's enthusiasm and wit may inspire. He knows nothing of the various woods from which furniture is made, and their characteristics, the particular uses to which each may, with greatest advantage, be applied; the countries or states from which they come; their comparative values. He has no knowledge of construction, the manner in which joiner work should be done for durability, and thus lacks the ability to judge of the mechanical quality of his merchandise. He has no knowledge of decorative art, is ignorant of the various schools and periods that supply the features in shape and ornament of nearly all furniture. The want of this knowledge makes it impossible for him to think clearly or speak intelligently upon even the simplest questions that arise in the business of his choice. Thus he is constantly exposed to mortification and ignorant failure.

How is he to get the required knowledge? In a business even above the average grade he finds himself among older men whose training has been deficient as his own. The average of them have, perhaps, a little superficial knowledge, a smattering only of technical terms that convey but slight meaning to their alleged minds and that communicate even less to the minds of any with whom their duties bring them in contact. Only in the case of a beginner

in furniture possessed of rare initiative and extraordinary perseverance, with ambition far beyond his environment, the ten talent youngster, will there be an advance beyond the dull dead level of mediocrity out of which he is expected to exact the technical training for his life work.

Had the boy in question the opportunity for a thorough course in manual training, carpentry or cabinetmaking; nature study in respect of woods; and a course of instruction in decorative art—all life would have taken on a different tone for him. Given these chances, he would have started trained, and not handicapped, for the business race, free and hopeful—not confronted with his own ignorance, not weighed down by the ignorance of others. Working out an intellectual idea closely associated with beauty and art, his life (more completely rounded) would be spiritually joyful and materially successful.

Or, again, a young woman just out of school seeks a business woman's place. She also thinks her education should be the passport to agreeable employment in some branch of merchandise toward which her taste may lead. Laces may be her choice. Equally with the lad in the furniture is she discounted by ignorance. She knows nothing about the history of the art of lace-making, the place of laces among the fine arts, the countries producing them, terms of classification, the uses, the differences between the products of the hand and the machine, and the information that will distinguish between values. Her technical knowledge must be acquired from an environment of ignorance relieved only by such trifling knowledge as she may acquire from the association in stockkeeping and handling of laces as mere merchandise by others whose educational limitations were a reflex of her own.

These roughly stated illustrations may stand for a long line of similar conditions of deficiency. Thus is created a great gulf between young people who are compelled to earn a livelihood and the conditions that confront them at the threshold of the mercantile world. A recitation of this long and lengthening line of conditions does not concern our present purpose. If I understand my task correctly, it is to discover, if possible, from a worldly and practical standpoint, whether there is a lack in providing educational methods of preparation for life and living. Or, again, upon the assumption that the overwhelming mass of our people must work for a living, is there a missing link in our education for industry?

It is my belief that there is not only a missing link but an absent chain, not only a gulf but a great chasm. The consideration of what has been accomplished in certain lines of education for industry does not concern this discussion except the mention that the splendid achievements in mechanical and scientific education should be subjects of gratitude to every sincere American, not only for progress secured but for the prophecy of further attainment. The business of the hour is to find the undone margin. Hundreds of thousands of young men and women must find the beginning of a career, or perhaps a full life work, in selling goods. But I have yet to learn of any public school, or other regular institution of learning, that has taken up the study of the subject of how to sell goods. Special private schools exist for this purpose, and some of them display positive ability. Young Men's Christian Associations have classes for the instruction of salesmen in decorative art as applied to furniture, carpets, upholstery and wall finish. Trade journals print primers of instruction upon various lines of goods. If energy, intelligence and capital can find successful employment for private gain, and philanthropy find place for service in teaching for daily work, why is not the question worthy of attention by public educational authorities?

Other tens of thousands must be employed as merchants clerks. Why not then a comprehensive study of the theory and practice of merchandizing? I know perfectly well about certain instruction in bookkeeping and forms of business transactions, but I am not aware of any systematic public instruction upon the principles of the conduct of business, including auditing, cash handling, accounting, the receipt and delivery of merchandise, the moral obligation of perfect accuracy.

In this connection it may be quite proper to ask why so few of the thousands of stenographers and typewriter operators are so poorly equipped for the technical work they assume to perform? Why the slightest capacity for correspondence is so rare in that numerous class who apply for positions as experts? Occasionally, some high school graduate will appear with some knowledge of rhetoric and fair capacity for the use of English who is also trained in stenography and typewriting, but, so far as my observation goes, the occasion is so rare as to excite unusual remark. Possibly, the reason is that the commercial world is compelled to rely upon Christian Association classes and schools of business for shorthand and typewriter operators rather than upon students of public schools and private institutions in which the subject should receive the care and attention it so richly deserves.

It is quite evident that industrial and commercial education for industry are correlated at very many points. Knowledge of wood, metal, leather or textile working is immensely advantageous in many lines of merchandising. A clothing merchant knowing tailoring, a hardware merchant knowing metal working, a furniture merchant knowing cabinetmaking, a wool merchant knowing textile manufacturing—each in his own special occupation will be vastly the better and abler if possessed of mechanical knowledge of his merchandise. And the reverse is true—every mechanic will be the better for some knowledge of general business.

Much is heard of the frills and fads of education. Many things that may seem fanciful to the professional educator may have a clear value to the man in the thick of practical affairs. Not long since we were laughing loudly at the name and purpose of domestic science, but now we are showing our admiration and respect to the science that is reforming thousands of homes and making more orderly, and therefore more happy, still other thousands. Many of us with no capacity for scientific statement are feeling in many ways the power of the scientific spirit, the potency of the scientific method.

Probably at no one point in our entire system of education is the need for a thorough scientific method so keenly demanded as in the matter of provision in our public education for the training that shall bring every young man and young woman, willing to receive it, up to the entering point of active business life prepared to do something that the world requires to be done.

The employer who needs to have his work done better demands it with almost despair in voice and manner. He feels that the character is not lacking in American youth, but he knows from long, painful and discouraging experience the loss and disappointment that come to him through the crudeness, the narrowness, the ignorance, the superficiality of the young element upon which he has to depend for the proper care of his affairs. He reasons, and reasons rightly, that something must be lacking in the method by which the young intellect is brought to the birth of active responsible business life.

The young life of the country demands it. The incalculable loss of time and effort in the long stern chase for the knowledge that proper education can easily be made to supply in advance. The vast loss in earning power caused by technical ignorance that the school can easily remove. The gross injustice of an education that does not educate, of preparation that does not prepare, of

the omission to reveal real conditions, with teaching of how to meet them. The absence of charm in life and work that comes from the training of the mind to the world of interest that inheres in common tasks.

Young America has a divine right to ask the reason why education has, to so great a degree, withheld the needed preparation for the vital elements of business life—all life.

Society demands it. The widening range of knowledge demands service in trade that will be responsive to human need. Just so far and so fast as men and women come into the larger life that arises from a comprehension of beauty, a knowledge of art, in the same proportion will trade be compelled to answer with larger intelligence. How daily needs, and the methods of their supply, enter into social service is a natural suggestion of our subject. Like several others it must be passed with scant recognition.

This threefold cry of the public, the employer, the employee must be heard, will be heard. It is an echo of the dogma that business must be ranked with the learned professions. It is the voice of democracy emphasizing its protest against the aristocracy of education. It is a draft of human need upon human intellect.

Scientific education for commercial industry is just a single element in the great advance movement to which this entire audience is in some form committed and is promoting. It is a service that is to make prosaic things interesting, barren things productive, to cause scales to fall from blind eyes that they may witness the revelation of bounty and beauty in nature. So farming will become a learned profession, dreariness, loneliness and barrenness will disappear from many a dull farmhouse, and rewarding dollars spring, at the demand of science, from a heretofore reluctant soil in volume so vast as to match the imaginary figures of present fanciful finance.

Thus too, the sneer "the department store" will pass and that great embodiment of executive organization, which commands capital, science, energy, originality as servants, will be recognized in its varied social service as a people's university. Thus material, industrial, commercial life will become humane, interesting, spiritual through the progressive power of practical education.

DISCUSSION ON HOW TO FIT INDUSTRIAL TRAINING INTO OUR COURSE OF STUDY

JAMES E. RUSSELL LL.D., DEAN OF TEACHERS COLLEGE, COLUMBIA
UNIVERSITY

"How is it that the United States can afford to pay a half dollar in wages when we pay a shilling, and yet compete with us in the markets of the world?" This is a question addressed to industrial England by an English business man whose knowledge of industrial conditions in three continents qualifies him as an expert. When Mr Mosely put that question he thought the answers could be found in American education. Accordingly he invited a score or more of the leading teachers, ablest scholars and keenest investigators of Great Britain to help him study American schools and methods of teaching.

What was the result? In the report of the Mosely Commission we can see ourselves as others see us—*some* others; at any rate—critics who tell us some unpleasant truths. To a man these English experts declare that it is not because of our schools that we succeed; some of them insist that if we keep up the pace it will be in spite of our schools and schooling. What is it, then, that gives us such advantage of our old-world neighbors? One answer is as follows:

America's industry is what it is primarily because of the boundless energy, the restless enterprise, and the capacity for strenuous work with which her people are endowed; and because these powers are stimulated to action by the marvelous opportunities for wealth production which the country offers. These conditions have determined the character of all American institutions—the schools included. The schools have not made the people what they are, but the people, being what they are, have made the schools.

Moreover, it is pointed out that our present schools are too young to have had any perceptible influence on our industrial activity or social life. Our leaders of today were trained under the old régime or have come to us from abroad, some with good schooling, others with little of any kind. Our workmen, the best of them, are self-trained or imported ready-made. The only native quality that we apparently have or exercise is, as Professor Armstrong says, "cuteness." And in this respect schooling is of little account. He says:

In point of fact, American cuteness would seem to be conditioned by environment rather than by school education. The country was settled by adventurous, high-minded men; the adventurous and restless spirits of Europe have been attracted there for genera-

tions past; the conditions have always been such as to develop enterprise and to stimulate individuality and inventiveness: so that, during the whole period in which the continent has been gradually acquired and settled on, there has been a constant and invigorating struggle going on against nature in one form or another, the Indian probably having played no mean part in the education of the race. Such being the case, it is important to remember that some at least of these influences are now withdrawn and that development may, in consequence, be along different lines in future, especially as the enervating influence of machinery is also coming into play more and more.

Perhaps we should not expect a foreigner, least of all an Englishman, to understand us, but I must say that these Englishmen, with minor exceptions, size us up pretty accurately. They come to us with 20 years experience in developing technical schools for the training of efficient workmen, only to find that as yet we are hardly aware that workmen need special training. They concede that our schools, especially the elementary grades, are admirably adapted to the development of individuality, but they contend that for a practical people we exhibit some curious inconsistencies. When we set ourselves to training military leaders we take boys with little more than an elementary school education and after four years of technical instruction we put them into the field to command men. In our professional and technological schools we jumble together the high school boy and the college graduate as though the higher education had no bearing on success in everyday life. We laud the practical training of Hampton and Tuskegee for their success in equipping the southern negro to earn a livelihood under adverse social conditions. But nowhere do we give the white boy an equal chance in the struggle for existence. Every year we send out of our schools some millions of boys and girls who must do the day's work, but it is apparently no concern of the schools that the day's work shall be well done. For the boy who wishes to become a preacher, lawyer, doctor, engineer or teacher, or enter any one of a hundred vocations reserved for the trained specialist, the public maintains palatial establishments equipped with the best that men can give or money buy. Teachers we have a plenty, but what of those who make up the rank and file? Do we think we can summon them at will? Are they "minutemen" who will respond promptly when the call to battle comes? Or do we count on paying a generous bounty and then dangle a pension before their eyes to keep them loyal? If there is work to be done and training can be given that will interest the worker, make his work more

valuable and increase his efficiency, why do we not have such schools supported at public expense? Is the training that the farmer boy gets at home for his "board and keep" of so great educational value that we can afford to dispense with agricultural schools? Ask the New Englander who is making so hasty a retreat in the face of foreign invaders. Are the chances so easy and the teaching so good in the building trades that the apprentice has no need of trade schools? Consider the rules and regulations of the labor unions and learn wisdom therefrom. Why is it that we make ample provision for training the head and give so little heed to training the hand?

The distinctive peculiarity of American education from the beginning almost to the present day is its *selective* character. Like the Scotch schoolmaster, we have rejoiced more over the one "lad of pairs" who somehow gets ahead, despite our instruction perhaps, than over the ninety and nine who need our help. We boast of an educational ladder that reaches from the gutter to the university, and we see nothing amiss in making our elementary schools preparatory to the high school, and the high school preparatory to the college and university. In other words, that which few need all must take.

No other great nation that I know of thinks it worth while to train everybody for everything—and nothing!—and to do it at public expense. Germany has its great system of schools leading to the university and to professional life, and any boy who will may go forward as surely if less easily than with us. But Germany has, too, a system of public education which connects direct with practical life when the boy or girl leaves school at the age of 14. To be sure, it is little more than a beginning that can be made in training for practical life before the age of 14, but in the past 20 years astonishing progress has been made in supplementing the common school training and continuing it over a period of two, three or four years after the boy has left school and while he is learning a trade. In making Germany a dangerous rival of England and the United States in the markets of the world the continuation schools are doing quite as much by supplying the skilled workman as the technical institutes and universities are by sending out engineers and scientific experts. If you want a chance to do some hard thinking and self-criticizing, send to the Department of Commerce and Labor in Washington for volume 33 of the Special Consular Reports just issued [1905] and read that able treatise of 314 pages on Industrial Education and Industrial Conditions in Germany. If

that does not provide food for reflection there is something wrong with you—or with me.

My conviction is that instead of being satisfied with our school system in New York we should be thoroughly ashamed of it—ashamed not of our good schools and the good work that is being done, but ashamed that we as a people are being contented with so restricted a system of public education and so narrow a curriculum. We accept the politician's dictum that we are too poor to spend more than we do on education, when the fact is we are too poor to spend so little. More, much more than we now spend on education would be money in our pockets if only we knew how to expend it aright.

France, heavily burdened as she is, maintains in addition to her great system of elementary, secondary and higher schools (including universities, professional schools and schools of science) the following institutions for teaching the industrial arts:

One national institute of arts and trades, 1 central school of arts and manufactures, 8 high schools of commerce, 1 advanced school of commerce, 1 commercial institute, 4 national schools of arts and trades, 1 national school for training superintendents and foremen, 2 national schools of watchmaking, 4 national professional schools, 26 commercial and industrial schools for boys, 6 commercial and industrial schools for girls.

In addition to the foregoing the municipal bodies of towns of any importance have opened professional schools for the elementary teaching of trades, industries or arts (design, weaving, lace-making, dressmaking, dyeing, electricity, bookkeeping, and stenography). There are also numerous private schools and societies for the improvement of the artisan, which are well attended.

What France is doing is also being done—and done better in some instances—by Belgium, Holland, Denmark, Sweden, Switzerland and England. In order not to overemphasize our remissness I will cite only one more example of a country which is poor and knows it—Württemberg.

Württemberg is a country of 2,081,000 inhabitants with a revenue of nearly \$10 a head of the population. Besides elementary and secondary schools for all, it supports outright or largely subsidizes: one state university, Tübingen, of honorable history and, in some branches of instruction, of world-wide fame; one technical high school (practically a technical university) and one royal building trades school, both at Stuttgart; two special technical schools (Reutlingen and Schuenningen) for textile and mechanical industries respectively; three weaving schools, two weaving workshops, and one knitting school, scattered about the kingdom; 231 indus-

trial improvement schools in towns and villages; improvement courses wherever they can be justified by the attendance, providing special instruction for braziers, joiners, painters, metal workers, bootmakers etc.; 18 improvement schools for women in which serious instruction is given with a view to preparation for household management or independent industrial occupation; one fully equipped commercial college at Stuttgart, and two commercial improvement schools at which instruction is given, morning and evening, outside of business hours; one elaborately organized agricultural high school at Hohenheim, and numerous farming schools throughout the country; one art school, and one art trades school for the training of artistically skilled workmen in branches of industry connected with art.

There are two sufficient reasons for our not following Europe's lead: (1) we don't want to, and (2) we don't need to.

We don't need to follow Europe's lead because life in this country is still easy. It isn't half settled yet. Some day we shall have 500,000,000 here. I suppose we have land enough, and land good enough if tilled properly, to support a population 10 times as great as we now have. But even 50 years from now at our present rate of increase we shall begin to appreciate what competition means. What will it mean when necessity compels us to use at its best every square foot of land we own? Then the man who will not work, surely may not eat. And if he would preserve American traditions of decency and competence he must work harder and more effectively than the man of today has to work.

It must be obvious to any fair-minded student of our educational system, as it was to the Mosely Commission, that we are doing next to nothing either to ward off threatened dangers or to prepare for those which are bound to come in future. Instead of doing the practical thing, we, a so called "practical" people, are content to produce "cuteness." The business world expects every man to do his duty—but it is very obvious that his first duty is to *hustle* and to get results. I once heard a colored teacher in the South illustrate the spirit of the age in this wise: "Once we measured time by grandfather's clock, which said 'Ever—forever, never—forever'; nowadays we use a Waterbury, which says, 'Git thar—git thar.'" Our aim is to "git thar"—in our college sports, in professional life, in business, everywhere we count on winning, honestly if possible, dishonestly if necessary and if the chances of getting found out are not too great.

Contrary to the findings of most members of the Mosely Commission, I believe that our schools are partly responsible for confirming us in our besetting sins—not by what they teach but in

the prevailing methods of teaching. One of the Commission refers to it euphemistically as our way of developing individuality; another notices that our teachers do less teaching and more hearing of lessons than are common in England. Be that as it may, the fact is we do look for results and are not overparticular how these results are obtained or whether they are just right or not. We are too easily satisfied with a plausible rendering of a foreign text; we are prone to measure proficiency by the amount of work done or the time spent in doing it, rather than by excellence of accomplishment or accuracy of method. We encourage guessing and the prize too often goes to him who shows greatest skill in concealing his ignorance. In a word, we are too easily satisfied with appearances and attach too little weight to the moral effects of doing honest work.

There is another reason, as I have said, why we do not choose to follow European methods of education—*we don't want to*.

We don't want to because we are not bound by social traditions. Our society is a social democracy. Our schools are designed to grant equal opportunity to all. In most other countries, England included, the school system is deliberately intended to keep some down while helping others up. So long as our mode of government endures we can not shut the door of opportunity in the face of any citizen. It is the greatest experiment the world has ever seen, and while there are many who would gladly see it fail, it is our bounden duty to make it succeed. It would be presumptuous to say after only one century of trial that success is already assured. This is only the beginning. We are just coming to realize some of our blessings, as we see more clearly for the first time some of our dangers.

How can a nation endure that deliberately seeks to rouse ambitions and aspirations in the on-coming generations which in the nature of events can not possibly be fulfilled? If the chief object of government be to promote civil order and social stability, how can we justify our practice in schooling the masses in precisely the same manner as we do those who are to be our leaders? Is human nature so constituted that those who fail will readily acquiesce in the success of their rivals, especially if that success be the result of "cuteness" rather than honest effort? Is it any wonder that we are beset with labor troubles, or that the socialistic vote in the recent presidential election should make statesmen fear for the consequences? We are indeed optimists if we see no cause for alarm in our present social conditions, and we are worse than fools

if we content ourselves with a superficial treatment of the ills that afflict us. Legislation may do much to help us out of trouble, but it is only education of the right sort that can permanently keep us from ruin. There never has been a time when we were more in need of sound education, and in the struggle for existence that is yet to come we shall need a better education than we conceive of today.

There is one educational principle that is peculiarly American. It is that every man, because he is a man and an American citizen, should be liberally educated so far as circumstances will permit. A man, according to our Magna Charta, is entitled to life, liberty and the pursuit of happiness. The first business of the schools is to make life worth living, liberty worth striving for and the pursuit of happiness something for which no man need be ashamed. We need, in my opinion, one more article in our educational creed. It is this: In making a man, make him good for something. It is a practice easily recognizable in the history of our universities and professional schools. Time was when the service of church and state alone required special training. But with the advance of science, the introduction of machinery and the narrowing of the world's horizon, leaders, trained leaders, have been called for in a thousand fields. Once the need arises for trained leaders, a professional school springs into being. And in this respect the past 50 years have outdone the record of all time before.

The next step is to see that the common man is equally well provided for. A beginning has been made in the enrichment of the course of study in our elementary and high schools, thus giving a choice of studies and better preparation for life if the pupil knows how to choose wisely; in the introduction of the natural sciences, manual training and the domestic arts, thus giving some acquaintance with the industrial processes underlying our civilization if the subjects be well taught; and finally in the differentiation of the school courses and school work whenever the future vocations of our pupils are definitely known, as in the negro schools of the South, the county agricultural schools of Wisconsin and the trade schools of some of our eastern cities.

But all this is only a beginning. At best but little can be done before the age of 14, but that *little* can be of the right kind. In teaching arithmetic we can as well present problems of everyday significance as those which are never met with out of school; in reading we can read about that which it is worth while remembering; in history we can dwell upon some events which are not

political; in science we can prepare for farming as well as for college; in manual training and the domestic arts we can do in the small what the race has done in the large in its efforts to provide food, clothing and shelter and to perfect means of communication and transportation. If nothing else is gained from the elementary school than a wholesome respect for man's industry, a good basis is afforded for participation in man's occupations.

The serious preparation for practical life begins for the great majority of us at the age of 13 or 14, on leaving the elementary school. The most dangerous period in the life of a boy or girl lies just ahead—say up to the age of 19 or 20. This is the time when the average boy must learn to be self-supporting and when the girl must fit herself for domestic duties. It is the time, too, when technical training counts for most. I contend that every American boy and girl is entitled to practical help in this time of greatest need—and at public expense, too, if the State maintains high schools, universities and professional schools for those who aspire to leadership in professional life. My reasons for this contention are these:

1 Anything that will contribute to the greater efficiency of the workman is a contribution not only to his own well-being but to the wealth of the nation.

2 Anything that will lead the workman to take more pride in his work tends to make him a better citizen and a more conservative member of society.

If it be possible to make each man, no matter what his social standing may be, an honest leader in his own field, a workman who is not ashamed of his handiwork, then we need fear no criticism of our colleagues across the sea, nor need we as an industrial people fear the competition in the world's markets. More than that, we need never lose faith in the righteousness of American ideals or dread the consequences of our social democracy. If there be those who say the task is impossible, I answer in the words of General Armstrong when someone doubted the possibility of negro education, "What are Christians for but to do the impossible?"

To summarize: In our efforts to help the common man, whom the Lord loveth, as Abraham Lincoln said, because He makes so many of them, there are several things to be done.

1 Our prevailing method of teaching must be so reformed that honesty of effort and of purpose shall triumph over sham and "cuteness."

2 The old subjects of our elementary curriculum should be given with modern and concrete applications. This does not imply any

sacrifice of discipline or culture, or any loss of mental acumen or individual initiative. It means stronger work and better results because it appeals directly to the child's appreciation of what is of most worth.

3 New subjects, the "fads and frills" if you please, must find a place, provided they give an understanding of modern industrial processes and a knowledge of industrial development.

4 It may be that part of the regular course will ultimately be given over to trade instruction. I am not so sure of that because I fancy that when public sentiment reaches the stage of demanding so much, it will quickly ask for more—more general training as well as more specific instruction.

5 We must have, at public expense too, if in no other way, trade schools of many kinds, both for the sake of making efficient workmen and also particularly for making safe and efficient citizens in a republic pledged to all the world to help all men up and to keep no man down.

Dr Joseph King—I have found pleasure in being present at these meetings for more than a third of a century and have hurried away from the alma mater to take in some of these sessions and congratulate myself on having heard part of the paper preceding and this last paper in full. I am touched by the sound and convincing arguments of Professor Russell that we provide better for the rank and file. We have much in our schoolhouses and public school system that we plume ourselves upon, but we want to remember when we look at the result that only a comparatively small number avail themselves of the advantages of the high school for more than the first year. Very few, comparatively, take the whole course, and a much smaller number go to a college or university. So it occurs to me that we give too little chance for electives. I hope that in the enlargement which you are talking about now something will come that will prove of benefit to the rank and file.

Thursday evening, June 29

EDUCATION FOR COMMERCE

A NEW COLLEGE DEGREE

BY HON. FRANK A. VANDERLIP, VICE PRESIDENT, NATIONAL CITY BANK,
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In this gathering of professional educators I presume nothing less than the traditional bravery of the foolish would lead a layman into a discussion of a new phase of higher education. That would seem to be particularly true in the face of a recent utterance by that revered dean of American learning, President Eliot of Harvard, when the subject chosen is commercial education. President Eliot has recently told us that it is monstrous—the strong adjective is his—that it is monstrous that the common schools should give much time to compound numbers and bank discount, and little time to drawing. In the face of that vigorous declaration against utilitarianism, the layman must be foolhardy indeed who would raise his voice in advocacy of an education especially adapted to men who are to lead commercial lives.

President Eliot has told us further that the main object in every school should be—not to provide students with means of earning a livelihood—but to show them how to live happy and worthy lives inspired by ideals which exalt both labor and pleasure. That desirable object he seems to believe can be best obtained by teaching children how lines, straight and curved, lights and shades, form pictures; rather than by leading their young minds into the waste places of compound numbers and bank discount.

On any subject connected with education there is no opinion that should be more revered than that of the president of Harvard. His position is unique; his words are the voice of authority. This slighting opinion of bank discount and compound numbers which Dr Eliot has expressed can, I presume, hardly be taken as representing his unqualified view regarding practical education. Through all time there have been many distinguished utterances by philosophers and teachers as to the meaning of education. These men, however, have rarely agreed in their concepts of the purpose and the aim of education. Since the days of the Greek philosophers there has been little progress toward a generally accepted view of what education should aim to accomplish. When the doctors of learning themselves disagree perhaps a layman may be forgiven for differing from them on some points.

It is certain that the college curriculum has undergone many changes and much development even within the period of years during which most of you have been actively connected with educational matters. We have seen great changes, marked broadening and much significant development in the studies generally prescribed as requisite for a college course. Those changes have been sufficiently marked to indicate that there is still, in the minds of those who are directing education, indefiniteness as to what is absolutely best in the way of instruction. The changes which have been going on have been sufficiently rapid and recent to lead one to believe that there may still be important changes, still material broadening, in the courses which our colleges offer. It is logical, therefore, to believe that our system of higher education has not settled into anything like permanent form. The alterations which we have seen indicate that there are more to come. Curriculums which are today regarded with the highest veneration, may in some tomorrow, be found lacking and in need of modification. It is in the belief that the college curriculum is still in a period of transition and enlargement that I venture to give my views of one phase of higher education in which I think we are soon to see distinct developments.

The experience which I have had in business, and particularly the experience which I have had with young college men in business affairs, leads me to the firm belief that much may properly be asked in the way of a broadened university curriculum. Much could be added that will be of great advantage to the individuals who are to be future leaders in business life. But the added courses would be of value, not alone to those individuals, but in the future development of commerce along right lines and thus of importance in working towards the general well being of the commonwealth.

I believe in the educated man in business. I believe the present college course is not the best that can be devised for the training of men who are to be leaders in commercial and financial life. It is true that we have scientifically classified a few of the principles and underlying laws of commerce and finance, and we teach them more or less well. I believe many more of those laws and principles can be scientifically classified, and can be taught, and that the result of such teaching will make better business men, will qualify men for great responsibility earlier in life, will help solve the problems that new commercial conditions have raised, and will work to our national advantage, not only in the way of our pre-eminence in commerce, but also in the direction of a clearer under-

standing of the true relation between government and business and therefore toward a better discharge of our duties as citizens.

There should be no failure on the part of our educators to appreciate the increasing demands that are, by the changing character of commercial affairs, being laid upon the abilities of business men. The last two decades have witnessed changes that make necessary an entirely new order of ability in business life. Those changes demand a greatly superior training. We have seen the capital employed in business enterprises jump from millions to billions. That change is significant of something much more than mere growth in the magnitude of commercial operations. It is significant of fundamental alteration, in conditions and methods. We have seen struggling lines of railways united into systems and systems into vast nets, all operated under a single management. We have seen whole industries concentrated into a few combinations, and those combinations dominating their especial markets throughout the world. These new conditions have surrounded us with problems for the solution of which experience furnishes neither rule nor precedent. To solve them we need a grounding in principles, an understanding of broad underlying laws.

The world is in great measure becoming a commercial unit. The eye of every business man must be farseeing enough to observe all markets and survey all zones. A significant word spoken in any marketplace or parliament of the world, instantly reaches the modern business man, and he should be prepared to correctly interpret its meaning.

Electricity has annihilated the geographies, for it has destroyed the distinctions which gave geographic boundaries their significance. Political distinctions will continue to live, languages and religions will continue to differ, but the peoples of the earth, regardless of political boundaries, of racial differences, of national ambitions, are coming rapidly to form one great commercial unit, one great economic organism. There are no tariff walls against capital. The language talked by money is a universal tongue. The modern business leader, therefore, more than was ever the case before, needs a mind educated to think clearly, needs the ability to accurately trace effect to cause, and needs the training that will enable him to understand the true relation between far separated conditions and widely diverse influences.

With the limitless wealth of resources which we have had in America, the successful conduct of a business enterprise has been a comparatively easy matter. Nothing short of egregious error

has been likely to lead to failure. Any ordinary mistake in judging conditions or in the application of principles has, as a rule, been obliterated by the rapidity of the country's growth and the extent of its industrial and commercial development. If some of the men who have made notable commercial successes had been forced to face the harder conditions that exist in the old world, the measure of their success might have been a very different one. Had they been confronted by a situation where population was pressing upon the means of subsistence, where all the soil was under cultivation, where the mineral resources were meager and where there was lacking the wealth of the virgin forests, they would have needed greater abilities and better trained faculties in order to achieve such marked success. We are easily inclined to believe that we have the best business men in the world. I am disposed to agree with that view. But one should not lose sight of the fact that the lavishness of opportunity has brought commercial success to many who have come into the field poorly prepared and with small ability. Any one who is familiar with the commercial life of Germany and has seen the successes there built up out of a poverty of resources—successes perhaps not comparing brilliantly with some of our own, until one studies the difficulties that had to be surmounted in achieving them—must perceive there some elements of business ability superior to our own. There has been an astonishing increase of wealth and an enormous expansion in commerce in that nation. No one searching for the fundamental reasons why German commercial progress is relatively so much greater than that of other European nations, will fail to reach the conclusion that one of the greatest factors in that country's development has been the prompt and intelligent use which has been made of the schools. The Germans have to the highest degree made practical application of their learning. They have brought the true scientific spirit to bear upon their everyday problems. Industry and commerce have both profited in the largest degree. Today we find in that nation, in spite of its lack of natural resources, preeminence in many industrial fields, a striking preeminence in foreign commerce, and a superior intelligence in the administration of finance. Those successes can all be, in the greatest measure, traced back to the schoolmaster.

A certain unequalled native ability, coupled with unparalleled natural resources have united to help American business men achieve a measure of material success that has been in many cases, I believe, quite out of proportion to the ability brought to the work. In American business life the coming years can hardly be expected

to offer so many easy roads toward business success as have appeared to the commercial wayfarer at every turn in years past. Our resources of course are far from reaching the complete development common in the old world countries. We have nevertheless advanced to a point of development where there will be less chance for success to come as a reward for haphazard and misdirected work. The successes of the future will be for better trained men. That is true not alone because we have in a measure already exploited our great resources, but because the field of commercial activity has so vastly broadened, because there has been such an enormous gain in the magnitude of commercial operations, and because of the increasingly intricate relationships which have resulted from this broadening and this growth. The changed scope, character and methods of modern business have united to demand men with a training superior to anything that was ever needed before, as the successful commercial leaders of the future. That general training can not be had in the highly specialized process of the routine work of the office. The practical school of experience is too wasteful as a teacher of general principles. There will, of course, be the exceptional man who will come up through that routine training and dominate his field by the force of his intellect, but in the main the new conditions of affairs demand a superior training such as only the schools can give.

I know the majority of business men trained in the school of routine work will doubt the feasibility of teaching in the classroom, in a scientific and orderly fashion, those principles which they have gained only through years of hard experience and which they even yet recognize more by a sort of intuition than by conscious analysis. The engineers of an earlier day thought that blue overalls and not a doctor's gown formed the proper dress for the neophyte in engineering, but we have come long ago to recognize that the road to success as an engineer is through a technical school. So, too, I believe, we will in time come to recognize, though perhaps not to so full an extent, that the road to commercial leadership will be through the doors of those colleges and universities which have developed courses especially adapted to the requirements of commercial life.

When I speak of a higher commercial education I am referring to an ideal education for commercial and financial leaders. An ordinary machinist does not require to be graduated a mechanical engineer. A riveter of bridge bolts has no need to have taken honors in a course of civil engineering. A bookkeeper, a

stenographer or a bank clerk does not require such a commercial education as I am suggesting. For all those positions there should be special instruction, fitted to the character of the duties. My thought at the moment, however, is directed particularly towards the ideal form of university education for leaders in financial and commercial life.

In advocating a so called higher commercial education, I would not be regarded as desiring a college course highly specialized and devoted to technical subjects at the expense of a broad cultural training. I would not be understood as advocating changes that will work towards a narrower college education, but rather changes that will work toward a broader one. I am not going to outline specifically what I think the curriculum should be for an ideal higher commercial education. At the present time such a definite outline is impossible. It is impossible because textbooks must be written and teachers must be taught before that ideal course can be given. An ideal course such as I have in mind must at best be the development of years. There will be necessary action and reaction between university life and business life. Men must be better trained in the university for their business careers, and then out of that business life, and from among those better trained men, must in turn come men who will bring to the universities that combination of theory and practice, that knowledge of principles combined with familiarity with practical detail, which in the end will make both ideal teachers and ideal business men.

There is little or nothing that has been proven good that will need to be cut from the present college course. I believe the additional work and training that will be necessary in an ideal commercial education can easily be made possible within the present term of university residence by more effective and economical use of time. It will not be necessary to discard present requirements that have been found to be useful and have been proven productive of good results. It will only be necessary to apply to both the years of preparatory work, and to the years of the college course, the business man's keen antipathy to waste. The time can then be saved that will be needed for the mastery of those special lines of study that will differentiate this ideal commercial course from the work which is at present demanded for a college degree.

I believe it is too nearly the truth that a college degree in America today does not mean a great deal more than four years of residence at a college. It certainly does not mean that there have been four honest full years of hard and conscientious work as an

absolute requisite for that degree. There is undoubtedly opportunity for a man to put in the fullest measure of industry, but there are few institutions where that full measure is absolutely required before they will give the stamp of their approval in the form of a degree. The schools that are most tenacious of classical tradition should hardly feel proud of the fact that practically the only institutions of learning in the country that absolutely demand a full and honest return of work done in exchange for the honor of their degrees, are the technical schools. If as sharp a demand for time well spent were made in all colleges, a long step would be taken toward gaining sufficient room in the curriculum for the studies that will be necessary to make up an ideal commercial course.

I am perfectly aware that among the various conceptions of the true aim of education, there are many which agree with that of Dr Eliot that a school is not for the purpose of providing the student with a means of earning a livelihood. I sympathize with those conceptions which hold that the purpose of education is to create noble ideals, to encourage the growth of the taproots of sound character and to cultivate the blossoms of culture, but do not believe that my ideal of a commercial education is necessarily at variance with these ideals. In advocating it I do not think it is necessary to adopt the view of the utilitarians, who believe that education should be merely a course of technical training, fitting the student for some practical work. I would not make the mistake of planning a course of study which would merely be an anticipation of the duties of the countingroom. I know there are some who measure the value of the work of a college by its success in being of practical and important advantage to those who are preparing for professional life. They believe that the school which will, in the briefest time, turn a man into an able lawyer, a competent engineer, or a skilful physician, should be regarded as the most successful. People holding that very practical conception of the purpose of education should at least be glad to welcome a new field in which university training may be applied with practical results, but I do not believe it necessary to hold such narrow views in order to agree that higher education may be so shaped as to be of especial advantage to young men looking forward to business careers.

There are some who regard the university as primarily a center for the diffusion of learning. That conception is imperfect, but I should think that those who hold it would recognize a field of the very greatest importance in the work which might be done in

the way of disseminating correct views in regard to financial and commercial subjects. If we had in our universities professors capable of a thoroughly scientific understanding of the principles underlying many of the problems of finance and commerce, these men would help us to see distinctly and to think clearly in regard to some of our everyday practices and tendencies. The dissemination of such knowledge would surely be of great value.

There are some whose conception of a university is that its greatest work should be in the field of scientific research. They have a noble ideal. They believe that the development of new knowledge is a work even superior to that of its diffusion. They aim to inculcate a spirit which will lead men to seek truth for its own sake, and to create an enthusiasm for scientific exactness. That idea is not at all out of harmony with the possibilities of a higher commercial education.

In the popular mind the motives of business men are often maligned. I know leaders in the business world who have as little concern for personal reward in what they seek to accomplish as would be the rule with men engaged in scientific research. These men are devoted to certain commercial ideals. The making of money happens to be inseparably connected with those ideals, but the making of money is not the great motive force. They are interested in the expansion and development of business, in the discovery of new fields of operation and in the introduction of improved methods. Their interest in that work is no more ignoble than is the interest of any other specialist. Men who already have more than most ample means, are not for personal gain pursuing business with an absorbing intensity. It is with them empire building, perhaps on a small scale or perhaps on a great one. Their lives are not sordid. They may be narrow, as the lives of all specialists are narrow, but the popular idea in regard to men whose lives are given to commerce, the view that these men are devoting their existence to mere money getting, is in great measure erroneous. They have the same high type of imagination which usually marks men who attain eminence in any other line of activity. They are, in a large way or in a small way, as may be determined by their environments, using similar qualities to those that make great statesmen, great scholars, or great scientists. I believe, therefore, that a proper education for the highest work in commercial life might be so outlined as to be entirely in harmony in its practical application with the ideals of those who conceive that a university should be a place for scientific research, a place where the scientific

habit of mind should be created, and where truth should be sought purely for the love of the truth.

A higher conception than all those others perhaps is a definition which Dr Hadley gives us. In his view the most profoundly important work which falls to the lot of the American citizen, is his duty in guiding the destinies of the country. He believes that if we train the members of the rising generation to do this well, all other things can be trusted to take care of themselves; but if we do not train them to do this well, no amount of education in other lines will make up for the deficiency. Suppose then we accept that as the final test of a university training. How can the duties of citizenship best be taught? What are the requisites for a training in citizenship? I would answer, training in the highest conceptions of business. Of what does the work of guiding the destinies of the country consist? Consider what are the political problems of the day and of the generation. A great part, nearly the whole of the work of government in a country like ours, is merely the conduct of business on a very large scale. Look over the political platforms of the last generation or study the messages of the presidents, and you will find a very large percentage of the political questions that have been raised, are in their ultimate definition, merely commercial questions. What have they been? The money standard; the control of trusts; the regulation of interstate commerce; railroad rebates; questions affecting the currency and banking; customs duties; schemes of taxation; the building of canals and the creation of plans for irrigation. These and questions like them have made up almost altogether the political questions of the day. They are in the end merely business questions. No purely ethical principle is at stake. We have now no necessity for a discussion of the rights of man. Our government in the main is a great business enterprise and our political problems in the main are economic problems.

In respect to such questions, what sort of training is wanted? Can any one answer them so well as a thoroughly trained business man, granting first that he is governed by the highest ideals of patriotism and honesty? Will not the man who is thoroughly well grounded in the principles of commerce and finance, be better qualified to guide the destinies of our country, than one who has merely had a training in the love for the beautiful or one who has won class prize in Greek declamation? If we adopt President Hadley's view as to the most profoundly important work of the university, I believe that noble ideal is most distinctly in harmony with the conception I have of what is possible in the way of a higher commercial education.

In this connection Dr Hadley has made one of the most striking statements that has come from any modern educator. He has told us that every change in industry and political methods makes it clearer that mere intelligence is not sufficient to secure wise administration of the affairs of the country, but in addition there must also be developed a sense of trusteeship. There is nothing so much needed in American life today, in my opinion, as a cultivation of a sense of trusteeship. That need is by no means confined to political life but is the need surpassing all others in commercial life. If the schools can teach it, and in a measure I believe they can, they will do more for commerce than they have done for engineering, or law, or science. If I were to name one thing preeminently to be desired as a result of a course of higher commercial education, it would be the cultivation of a proper sense of trusteeship. I do not regard that as an impossible ideal. A truer understanding of the real relation and relative importance of the principles of commerce would give men a far clearer view and a more just appreciation of the responsibilities of trusteeship. We have men holding positions of great trust in our commercial life today who have a childish ignorance in regard to their responsibilities as trustees. These men are honest men, they are well meaning men, but they have never learned the elemental principles upon which a sense of trusteeship must be built. I am not so optimistic as to believe that a college course could be so designed that those having its benefits would afterward in active life always be imbued with the highest sense of trusteeship, but I do believe that Dr Hadley uttered a great truth when he pointed out that the cultivation of such a sense is the most important work that a college has to do. If it is important in the education of the American citizen, it is doubly important in the education of that class of American citizens, who have to deal with the commercial and financial life of the country.

We are having an illustration today of how a clearer understanding of underlying principles of commerce illuminates ethical considerations. A generation ago, before we had thought very deeply or accurately in regard to the nature of common carriers, there were many men who saw nothing ethically wrong in a railroad rebate. Men regarded a railroad as a piece of private property and railroad transportation as a commodity which might with perfect propriety be bargained for and sold to the best advantage. The whole community has since been educated to a clearer comprehension of the fundamental principles of transportation, with the result that we have built up ethical standards which abso-

lutely did not exist before. This I believe is an illustration of what might happen in many other directions with a better education embracing principles and underlying laws.

I want to quote again from the president of Yale. Dr Hadley says:

An intelligent study of science whether it be physics or biology, psychology or history, should train a man in that respect for law which is the best antidote to capricious self-will on the part of the individual. The student learns that he is in the midst of an ordered world. If he has the root of the matter in him, he thereby gains increasing respect for that order and readiness to become himself a part of it.

That statement we must all recognize as eminently true. Is it not equally true of the study of the science of commerce? Will not such a study train men in that respect for law which is the best antidote to capricious self-will on the part of the individual? Is it not that of which the country is today standing in the greatest need? What do we need more than an antidote to capricious self-will on the part of the accidental millionaire? Does not a lack of knowledge of fundamental principles lead to a lack of respect for the great fundamental laws of finance? I believe that is true. I believe when we have reached the point of really making a scientific classification of the principles of finance and commerce, a classification which without question can be made, and when we have developed a class of teachers capable of giving adequate instruction and so made possible a course of study truly worthy of serving as the basis for a new college degree, we will then have taken a long step in the direction of creating that respect for law of which we are now in need. There will be a respect for economic laws because we will better understand their significance and force. There will be a greater respect for legislative laws because, with wiser legislators, those laws will more surely be based on correct economic principles. If all this is true, then whatever your ideal of education may be, can not you all unite in helping to evolve a college course which will be worthy of upholding a degree of master of commerce.

EDUCATION FOR COMMERCE IN THE FAR EAST

BY JEREMIAH W. JENKS, PROFESSOR OF POLITICAL ECONOMY AND
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The discussion of education for business has been so ably carried on along general lines either by men immediately engaged in directing such education in schools and colleges or by those doing business that in speaking of the subject in its rather limited application to the commercial problems of the Far East, it has seemed best for me to take the position of an economist who has had some interest in the study of Far Eastern conditions, and from that viewpoint to comment upon some principles of business, well known to be sure, but often overlooked in current discussion. We should note the conditions to be met before deciding the educational problem. It must be kept in mind that the work of the economist is simply to hunt out and to state the principles of actual business. There is no economic science that is not based upon actual business, and there can be no sound business education that does not rest upon study of business conditions.

The nature of commerce

The subject of commerce includes retail and wholesale trade on the one hand, and local, national and foreign trade on the other. Each one of these divisions has its own problems and its own methods, and to a considerable extent the training for each must be special. Naturally some fundamental principles, those of accounting, for example, are similar in all. It is necessary in every case that the business be so analyzed and understood that the reckoning of costs and the determination of profits and losses can be made clear; and in many other ways the lines of business will be found similar, whatever their scope. On the other hand, the methods of purchase and sale of the retailer of necessity differ decidedly from those of the wholesaler. His methods of advertising, his systems of credit, his percentages of profit, his knowledge of markets, his whole range of information and activity must be vastly different. Likewise the person who buys and sells locally, whose transportation of goods is limited by the delivery wagon, has problems quite different from those of the man whose business is largely a mail order or express business if he is a retailer, or whose range of sales is national if he is a wholesaler. Still a new and entirely different set of problems come up for the merchant whose business is international in its scope. Not merely

has he many of the same problems that have perplexed the other merchants mentioned, but in addition come the problems of tariffs in the countries of purchase and sale, the questions of international exchange of moneys affected both by the character and quality of the moneys themselves and by the relative demand of each country for the goods of foreign countries as compared with the supply of its own goods which it ships abroad. In many instances, also, aside from the more narrowly business questions, there enter into commercial transactions on a large scale questions of politics which can not be ignored if one's business is to be successful; and again the question of national politics in the one instance may easily broaden into one of international politics in the other. The merchant in Chicago may find his business considerably hampered by the teamsters' strike and may find that this question is complicated by relations which may arise with the city government, the state government or even the federal government; but if his dealings are with the Far East, let us say, he may find that a shipment of machinery has been diverted from Tientsin to Vladivostok, as in one case of which I knew, because it happened to be carried on a ship that carried also contraband of war.

In the other discussions, many of the more fundamental principles of commerce and the education which is requisite in order to enable our young men to cope with the problems which may arise in their business, have been or will be adequately considered. I may assume, therefore, that these general principles are accepted and carried into effect, and I have to answer simply further questions as to the peculiarities of commerce in the Far East which will require certain special training to be added to the general training already outlined and discussed. Among the problems comes first:

The problem of the balance of trade

In most of the late discussions on the trade of the United States with the Orient, there has been emphatic insistence upon the necessity of our "extending our markets into the Orient," of our finding a field in which we may "dispose of the surplus of our manufactures." We have been repeatedly assured that if we are to become a great world power, it is necessary that we reach out and capture these oriental markets for our goods as far as possible in advance of our rivals. So far as my own observation in connection with these discussions goes, relatively very little has been

said about the possibility of our finding in the Orient opportunities for purchases which may satisfy our own needs; and I have even found persons who have been speaking and writing upon these questions somewhat embarrassed when they were asked what they proposed to accept in return for the goods which they wished to sell in the Orient. It seems to have been thoughtlessly assumed either that we might be willing to sell to the Orient without securing a fair equivalent in return, or, what is much more likely, that the oriental country to which we might sell would have an unlimited supply of cash with which to pay for our goods. If, however, we are continually to expand our sales, there must be a corresponding expansion of the power of production in the Orient of those goods which the West may be willing to take in exchange. To take China for an illustration. For many years in the past China has paid for a large proportion of the goods which she has imported from foreign countries by the export of silk and tea. It is a fair question whether foreign countries, if they double or triple their sales to China, are going to be willing to take twice or three times as much silk and tea in exchange at prices which will be substantially the same as those at present; or whether they will take more products of other kinds from China. If China has now no acceptable means of payment, will foreigners be willing to take an active part by investing capital to develop certain new industries there which will enable that country to supply foreign needs more readily in order to meet her increasing demands for foreign goods? We too often forget the fundamental principle that in the long run a country must pay for what she buys, and that speaking generally, she must pay for the goods which she purchases by goods which she sells. Of course in certain instances, if a country is a creditor country, as is England, she may purchase goods with the interest due on her bonds or stocks of the debtor country; or if she has a great merchant marine, she may pay by the freights which foreign countries owe her citizens for transportation; or if, as in the case of China, many of her citizens go abroad to labor, she may pay for the goods which she buys in part by the labor of her citizens working in the foreign country. But, in whatever way we explain the matter as regards details, it is still clear that the citizens of a country, by their labor or by their capital, must in some way pay for the goods which that country buys. They can not increase their purchases unless they also increase their sales.

An apparent exception to this general principle should, however, be made in the discussion of the extension of our commerce with the Far East. At the present time, China is much in need of railways, of iron bridges, of foreign machinery of various kinds. If our citizens have capital to invest in China and put that capital into the form of railway material or manufacturing establishments, it is probable that these American owners of the capital thus invested may be willing to let their capital stay in China and to draw on that capital for use at home only the dividends on their investments. Indeed, in special cases investors might well be willing practically to transfer their capital to China and to reinvest their profits there, making that for the time being the home of their capital, if not their own personal home. To that extent there might be a selling of certain classes of goods to China for which for an indefinite period, there would be no return demanded in the form of exported goods. The pay might be taken only in a claim to wealth. This would constitute probably the only exception to the general principle laid down above. There is so much popular misconception on this subject that it is proper to emphasize here in connection with the subject of commercial education this fundamental principle of foreign exchange which would not be thought of in connection with local retail trade or national exchange.

Our Far Eastern markets

In the extension of our commerce in the Far East we need to distinguish rather sharply the different markets open to us, for the conditions of trade in these markets differ greatly, and the nature of the information needed and the methods to be employed differ accordingly. It is probable that for some years to come our chief markets will be: (1) the Philippine Islands; (2) China, including Manchuria; (3) Japan, including Corea; (4) other minor countries, such as Hongkong, the Straits Settlements, the Dutch East Indies, etc.

The Philippine Islands. While the Philippine Islands are in one sense part of our national territory, in another sense they are to be considered in much the same way as foreign territory, because from their location many of their problems, such as the question of exchange in the payment for goods and the cost of transportation, are similar to those in connection with other countries of the Far East. On the other hand, as regards the political influences which have a bearing upon their commercial condition, the problem is mainly domestic.

The government there is of necessity friendly to the government of the United States. (It is proper, I think, under the circumstances, to speak of "necessary friendliness"). The government of the United States is disposed, also, to favor the industries of the Philippine Islands at the expense, if need be, of other foreign countries, if not of the United States themselves. The Philippines are in consequence in many respects a better field for investment of American capital than are the other countries under consideration. It is probable also that the products of the Philippines are better adapted at the present time for American investments than are those of most other countries, and investments are the forerunners of commerce. For example, nowhere else in the world is Manila hemp (the chief commercial product of the Philippine Islands for export purposes) produced to any noticeable extent; and as yet, in spite of the partial competition of sisal and other fibers, there has been found no real substitute for it. Under the Spanish régime, and so far under the American régime, the methods of cultivation, of transportation, of purchase and sale, and of local manufacture of the hemp are of a very primitive nature. There can be no doubt that here is a very important field for the development of American commerce through a preliminary investment of American capital. This will, in the first instance, make a demand for American machinery and steel in the Philippine Islands, and then later, as the hemp industry develops in importance and in value, this increased wealth will lead to an increased demand for other American products.

The same statement may be made with somewhat less emphasis regarding the tobacco and sugar industries. The tobacco industry has already been developed to a considerable extent by Spanish and Filipino capital, although there still remains an opportunity for further growth. The sugar industry, however, remains still in a decidedly primitive condition and apparently needs for its large expansion only a somewhat more liberal policy on the part of the American Congress. Such added wealth would call for many more American products to pay for the exported tobaccos and sugars. With proper methods of agriculture, of transportation, and especially of manufacture in the sugar industry, there can be no doubt that it would develop greatly. Moreover, there is every reason to believe that when the capital was once invested, the increased product would be sold largely, not on the American market, as our timid advisers of Congress seem to fear, but rather on the markets of China and other countries of the East. The

added purchasing power of the Philippines would still make a demand for American goods, even though the product itself were not sent directly to the United States.

Still further investments in the building of railroads, of electric roads, of local steamship lines, of sawmills, and other industries of the Philippines, would carry out this same principle of increasing the trade of our home country as well as that of the Philippines themselves through the development of their wealth by American investments. They will not buy much more than they do now until they can sell more.

China. The situation in China is much the same as in the Philippines, with two or three important lines of difference. In the first place, the money of China is without any fixed standard, consisting practically only of silver bullion to be weighed out. Each large dealer—even each traveler of means has his own scales to weigh out his money. This makes the risk of business, on account of the impossibility of knowing the value of the money with which one is making his purchases or in which one may be paid for his products, so much like gambling risks, that trade must of necessity be hampered until the Chinese government can be persuaded to adopt some standard uniform system. Again, owing to a considerable degree to the ill treatment which the Chinese have received from some foreign countries through the seizure of territory and the mistreatment of individual Chinese, as well as to the very unfriendly attitude of some of the people of the United States in connection with Chinese immigration, the Chinese themselves are disposed to be suspicious, and, as we have seen of late, even decidedly unfriendly toward American trade. This suggests another point in connection with the extension of foreign commerce upon which too great emphasis can not be placed in our commercial schools. In order to extend business in any country, the dealings with that country both of the government and of private merchants, must be first honest, and second courteous.

For the present it is hard to tell whether the conditions in Manchuria are to be assimilated to those in China or to those in Japan. It is quite possible that the latter will be the case; but in any event the conditions must be studied carefully with reference to the needs and tastes and prejudices of the people of Manchuria rather than to our own customs.

Japan. The conditions in Japan need to be differentiated quite sharply from those in China. In the first place, their monetary system is satisfactory so that the risk of exchange is removed.

Second, the Japanese, while disposed to be friendly, are nevertheless, as a nation, looking much more carefully after their own special internal interests than are the Chinese, so that it is perhaps even more difficult to find there a field for profitable investment. As is well known, the feeling among foreign investors in Japan in many instances is that they have not always been treated with fairness by the Japanese government, and furthermore that the Japanese tradesmen are not always trustworthy in their dealings. The Japanese are making earnest efforts to develop their own manufactures along many lines, so that their market needs to be more particularly studied with reference to the nature of the goods which Americans can sell there as well as with reference to the products of Japan which can profitably be purchased by Americans.

The other countries. No different condition in the other countries needs especially to be touched upon here. Hongkong, a British possession, serves of course chiefly as a door for trade in China, while the other countries have each its own special needs to be studied.

Adaption of goods to markets

This hasty indication of what may be found in the Philippines and in some of the other countries serves as a basis for touching briefly upon some of the principles that need to be taught in connection with our commercial colleges. First, it can not be emphasized too often that in selling goods it is necessary to consider the likes and dislikes of the purchasers rather than our own. Our consuls are continually dwelling upon the fact that American manufacturers and merchants are too strongly inclined to insist upon keeping their own standards and imposing those standards upon the Chinese, Japanese and other foreigners. We have not yet felt the necessity of developing our foreign trade (in spite of all that we say about it in the newspapers), to anything like the extent to which it has been felt in Europe, and in consequence we have not learned this lesson. Illustrations from two of our consular reports of last week will explain:

I Chinese shoes are quite different in type and style from American shoes; in consequence, our American rubber overshoes and boots are sold hardly at all in China, whereas Germany is supplying many. The Germans make a special, short half-boot of light weight which does meet Chinese requirements, and the Chinese are using them in large numbers; whereas the American rubbers can be worn, and are worn only by the few Chinese who have adopted the foreign style of dress, or by those who wear them as shoes and not as overshoes.

2 Ginseng is another American product which for many decades has been valued in China. As is well known, many Chinese believe that the ginseng root possesses certain mysterious qualities which make it play an important part in their lives, and which render it in many particulars "the greatest medicine of earth." They believe that these unusual qualities are most frequently found in roots which are knotted or gnarled or which have a peculiar color, or an abnormal shape, particularly if the root resembles some fabulous animal. These facts are well known to the native dealers, but not in many cases to the American producers. The consequence is that the American product, which is cultivated, often takes on a form smooth and normal, and in consequence relatively of slight value, whereas a little care in cultivation would render a root gnarled and ugly and consequently many times more valuable. This is not suggesting an adulteration of the product; it suggests meeting your customers wants. In many instances the only value that the root possesses is that it satisfies the superstitious desires of the Chinese—not their physical needs. The Chinese dealers in many cases, owing to our lack of knowledge and our neglect to classify the products sent, reap a profit which might equally well be secured by the American producer, provided the local conditions were known; and in addition the American would greatly increase his sales.

The Germans and the Japanese have far outstripped us in their readiness to meet Chinese needs. Hundreds of miles in the interior of China are found clocks, cheap ornaments and toilet articles of various kinds made in Germany or Japan, often after an American model, but poorer and cheaper than the American product, and in consequence more acceptable to the Chinese. If our merchants had learned the principle that they must study the needs of their customers as thoroughly as have the Germans and the Japanese, we should in many cases be supplying the needs now supplied by them.

We moreover have not learned to pack our goods well for so long and difficult a shipment. In consequence our goods frequently arrive in the Far East so damaged that they are scarcely salable.

Again, the English particularly, but also the Germans, have accustomed the people in the Far East to long-time credits. Obtaining their capital at low rates of interest at home, they will readily carry an account for six months or a year, whereas our dealers often require payment in cash even in part before the goods are delivered. We can scarcely hope to achieve great success if we do not recognize customs of credit such as these.

Most important, perhaps, of all, as I have intimated before, is the fact that we do not always have the reputation of fair and courteous dealing, either politically or in a business way, though in these regards we are on the whole not worse than others. The Chinese distrust all. The record which the Americans have made in securing the concession for what is possibly the most important railway in all China (the Canton-Hankow line), has greatly discredited us. In the concession it was provided that the company should be and should remain American, but within a comparatively short time the control of a majority of the stock was placed in the hands of the Belgians, who were apparently so associated with the French and the Russians that the Chinese felt, and with reason, that they had been betrayed by the Americans into the hands of their enemies. Only under pressure of the threat of canceling the concession was the road finally bought back by Americans, and it is still an open question whether even the late dealings are all to be justified on moral grounds. This treatment, which the Chinese themselves believe to be dishonorable, and which very many Americans who have investigated the question likewise consider dishonorable, has so discredited our government and our business men, that the small amount of money made by a few private speculators has been lost hundreds of times over by loss of national and business prestige thereby incurred with its consequent ill effect upon our commerce.

It is to be said, on the other hand, that American individuals, whether travelers or business men resident in China, are often, if not usually, better liked personally by the Chinese than are the citizens of almost any other country. Americans as a rule are more kindly and more courteous in their treatment of the Chinese than are others. They have been trained in a democratic country, and are more likely to treat the Chinese as equals, or at any rate as human beings, than as beings of an inferior order which may be beaten or kicked or insulted at will.

Methods to be followed

There has thus been indicated some ways in which commerce in the Far East differs from commerce in the United States or with other foreign countries. The question remains how we are to educate our young men for commerce so as to meet these differing needs. Of course, the general commercial training found desirable to fit young men for business in other lands is needed; then a reasonable equipment in languages, although English will be

found more helpful than any other. Spanish will be useful in the Philippine Islands, French in French Indo-China, Chinese in China, Japanese in Japan, etc. A general and a thorough knowledge of commercial geography is needed, and not merely a knowledge of the geography of the Far East. It is desirable for one who trades on a large scale to know where the other markets are of the rivals he has to meet, and what other customers they are supplying. A good knowledge of law, both of one's own country and of others is useful. In China particularly one should know the technical laws growing out of the principle of extritoriality, which obtains in China in the dealings between the Chinese and foreigners. It might frequently be very useful to know the leading points in the commercial laws of Germany, France, England, and other countries, because the laws of those countries are administered in China in the consular courts representing the different countries. Of course the knowledge of goods of the type which the merchant proposes to sell or buy is essential—this much in general in common with the training required in all commercial schools.

To expand our trade in the Far East, however, we need to train our young men, whether they expect to serve in the extension of commerce as consuls or as salesmen and buyers, that, if they are to succeed, they must be prepared to stay in the Orient a considerable length of time, and to study carefully the conditions. If their field of work is in China and they wish to be thorough, they must learn Chinese, at any rate must learn to speak the commercial Chinese, and that is no more difficult than to learn to speak German, although it is much more difficult to learn to write Chinese than to learn to write German.

Of greater importance is it, however, to study the Chinese customs of living, of manufacturing, of buying and selling, so that they may fit their supplies to the local demands, and may stand ready to learn what opportunities may arise for improving the products of China which they may wish to buy for export. Heretofore the business of the foreigner in China has been mainly merely exporting and importing. His buying and selling among the natives has been done through his Chinese manager—the comprador—and he has not followed up that work. No Chinese firm here trusts its dealings with Americans to Americans. We must in time learn Chinese well enough to do our own work. But that is a far look ahead. The general principles of buying and selling, of account keeping etc. may be learned in our schools. The details of an oriental business, for they are vastly different from those in our own country, can be learned only in the Orient.

The principles of money and of banking, and especially of foreign exchange, must be learned, and thoroughly learned; first, because, on account of the present evils arising from fluctuations in exchange, business is largely speculative and it is necessary to reduce the risks as far as possible; and second, because it is important that every foreign dealer in China should so understand what is needed that his influence may continually be used to induce the Chinese government to improve its system. Too many of the suggestions already made by foreigners, some of them indeed largely accepted by the Chinese, have been suggestions in the wrong direction.

It is important, too, for success in this commerce, that a pretty thorough training in economics be had, enough to know and to feel that it will pay as well to learn what the Orient can sell as what it will buy, to see that exploitation is not a sound policy for a permanent foreign trade, but that a large and permanent trade can be built up in the long run only if it is soundly based upon a fair exchange for the benefit of both countries, and that an investment in a foreign country for the purpose of developing its export trade may prove as useful as selling goods for the immediate profit of the exporter.

Those interested in our commercial education with reference to the Far East may also look further and see what can be done to train capable Chinese here. That will also extend trade and I consider it of prime importance, both politically and commercially. It is well known that Japan, Belgium, Germany, and other countries are offering special inducements to young Chinese to go to those countries to study. There can be no doubt that when these Chinese return home to undertake work as engineers or as manufacturers or as merchants, they will certainly favor in the long run the countries in which they have been trained. It is greatly to be desired that both our government and our people do what they can to encourage Chinese, Japanese, Filipinos and other orientals to come here to secure their training, both general and commercial.

And, finally, it is important to emphasize again that a fundamental business principle to be taught in our commercial schools is that tolerant, liberal, fair dealing is the only wise policy from the business as well as from the moral point of view. This principle needs particularly to be emphasized in connection with the Orient, and with other countries less developed in commercial and manufacturing methods than our own, because the temptation is always stronger to deal unfairly with those unversed in western methods and because, as a matter of fact, the attempt has been made and in many cases successfully, both by governments and by individuals, to exploit unfairly many of the orientals.

Friday morning, June 30

EDUCATION FOR AGRICULTURE

AGRICULTURAL EDUCATION IN AMERICA AND ITS IMPORTANCE TO THE COMMONWEALTH AND THE NATION

DEAN W. A. HENRY, DIRECTOR OF AGRICULTURAL EXPERIMENT
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The one priceless thing in any truly great nation is the character of its people. As educators, there is no subject that should receive from us more serious consideration than the source and supply of a virile people to maintain and advance this nation. Upon this central thought I ask your attention. This nation can not continue in prosperity nor advance in all that goes to make it truly great unless behind all is a thrifty, satisfied farm population. The country supplies the city not only with bread and butter, but best of all, with brains. Cities wear out men just as surely and as ceaselessly as they wear out horses, and all other things that come to their eternal grinding. They have always been mills of destruction and they always will be. The intellectual and even the physical human forces of the city must ever be recruited or revived from external sources, and this true, such reinforcement can only come from the farm. One does not have to think long to see why these things are so. City life is unnatural at best, and the more refined and luxurious it becomes, the more barren, artificial and useless it is. Your great caravansaries, like the Waldorf-Astoria and the St Regis, which represent to superficial minds the highest attainment of man in luxury and comfort, are about as important to humanity in its onward progress as are champagne and terrapin to the nourishment of a normal body.

Value and importance of a strong farming people

The country breeds strong men physically and normal men mentally. This is true because of the nature of country life and country environment. The family relationships and duties lie primarily at the foundation of its great strength. Each child on the farm is an active partner, an important factor in all the operations of the farm. He is vitally interested in whatever goes on. At the table, matters of communal interest are discussed. Throughout the day something is to be done. Care and responsibility, the greatest of all forces working for the good of mortal man, come to the child born upon the farm. While early assumed,

they are not too burdensome for the natural development of the mind. The daughters help in the house and the sons take up duties in field and stable. Each one has his place, his responsibilities, and as a reward has the growing strength of character that comes from well performed service. Rugged and hearty, the young men and women of the farm may seem uncouth and but half refined to our city friends. They may be awkward in action and less quick witted than the artificial city products, but back and behind all there is character, push and ambition—a love to do things, a willingness to carry responsibility, and a desire to be helpful.

The country school is indeed but a poor apology of what it should be. Its poorly paid teachers are weak vessels. The instruction period for the average country child is short. Yet despite all these adverse factors, country children outmatch city children in quality. I hold this to be so, not because our rural schools make to any large extent for success, but rather because of the wholesome things of country life as a whole. It is the great school of the farm and the farm home that builds strong men and women. Many country homes fall far short of the ideal, and we should all strive earnestly to help them, though often we can do but little. The country schools are more easily within our reach for regeneration, and here lies one great opportunity.

City vs country output

Talk as you will of your graded city schools, whose great buildings are wrought according to the architect's latest ideals, with their sanitary, cheerful rooms. Point with pride to your carefully arranged courses of study, reaching from kindergarten to graduation; instance the fine division of effort among your choicely trained teachers, who split educational hairs in their strivings to turn out a marvelous child product; work your city educational combination as you will, you have to admit after all that you can not turn out a manhood and womanhood that approaches the country product. Our farming people comprise less than 36% of the total population of this country, yet from these country homes, meager and poor as they often are, there is a steady outpouring of human strength and character into the cities, there in some measure to purify, strengthen and revivify its struggling existence. Examine the life history of your legal, educational, and business acquaintances, and you will learn that a surprisingly large percentage of them were country reared.

An illustration of city education

Some of you are amateur gardeners. You will recall some of your early essays in garden making. You will recall boxes of blooming pansies, English daisies, and tomato plants offered for sale in springtime. These tomato plants were the product of some gardener, who grew them like the man's razors—to be sold. The spindling plants, often a foot in height, presented blossoms even, the more exciting your interest and attention in the promise of early fruitage. When you took these long, lank weaklings, with their premature blooms, to your garden, you already had doubts about the wisdom of your effort. When the plants were set in the ground and the sun shot out its hot rays, and the chilling winds blew, and the cold rains fell, and the cool nights came, the hothouse specimens were racked and tried to the utmost. They turned yellow, lopped over to one side, and for weeks barely held to life in a seemingly hopeless struggle. The ordinary environment of outdoor nature was too much for them after their abnormal greenhouse development. Such plants represent in a fair way the output of young people from your city schools, delicately trained, shielded from every rough element that influences mind and body, and yet finally forced to pass out into the common, rough, everyday world.

The degeneracy of eastern agriculture

All of us agree on the importance and value of our rural population as a primal factor in maintaining this nation on a high standard of excellence. This true, let me call your attention to one of the most significant and disagreeable subjects that can come to the investigator of American conditions. I refer to the degeneracy of eastern agriculture. All over the East there has been going on almost to the present time a steady outpour of brains and push from the farm to other avocations and to other regions. The flower of the youth reared on eastern farms has for two generations past been leaving the farms and rushing into the cities and to the West. Bright, energetic, restless ones passed from farm to city in a desire to better their condition. A vast flood poured westward, taking Horace Greeley's advice to "Go west and grow up with the country." In this great out-pouring, the plodding ones, the patient ones, and worst of all the indifferent, careless ones for the most part remained to carry on the farm after some fashion, unless it was entirely abandoned. The descendants of

any of the earlier ones remaining on the farms who might possess energy or particular ambition, in time likewise pushed off from the farm. Thus there has been an unconscious but powerful selection going on for a long time past to the great disadvantage of eastern farming.

Western competition crippled eastern farmers

As though the loss of this great store of virility to the East was not enough, the people who pushed westward and their descendants, backed by the money they took with them, or which was sent them from the East, combined to put upon the market a vast output of agricultural products, which came into competition, through cheap railway transportation, with the output of their brothers and others left upon the eastern farms. The combined influence of a drainage of brains from eastern farms and a tremendous in-pouring of western products to eastern markets was most depressing, and great has been the decline of agriculture in the New England and Middle States. To show its effect, let me call your attention to table 1 which shows the total value of farms and the personal property in four states of the Union.

TABLE 1^a VALUE OF FARMS AND PERSONAL PROPERTY

Dollars. 000,000 omitted

	1850	1860	1870	1880	1890	1900
Maine.....	67	97	105	124	122	122
New York.....	650	936	1196	1217	1139	1070
Ohio.....	416	776	960	1261	1195	1199
Wisconsin.....	35	155	288	420	500	812

It will be seen that the state of Maine, for example, had farms and personal property thereon valued at \$67,000,000 in 1850. By 1880 the value had advanced to \$124,000,000. Then depression followed. For your own State, once the "Empire State" in agriculture, as it still is in population and wealth, we find the farms and personal property in 1850 worth \$650,000,000. By 1880 they had nearly doubled, reaching the vast sum of \$1,217,000,000. Then came a serious decline. Indeed, the decline had already begun

^aThe statistics here presented are from U. S. Census Rep't, 1900; U. S. Dep't Agric. Sec. Foreign Markets Bulletin 9, Trade of Denmark; Bureau Animal Industry, Bulletin 69, Poultry and Egg Industry of Leading European Countries

before 1880, for your State no doubt attained its greatest agricultural prosperity about 1865-75. And so by the year 1900 we find a shrinkage of about \$150,000,000 in agricultural values in this State! Wisconsin, as the table shows, has steadily advanced in material wealth. Here is a truly western state that has gained by the losses of your State. Much of the wealth of New York and other Eastern States, their brain and brawn, were brought west to help build up Wisconsin and other western states, which in turn pressed the products of their farms into the eastern markets, to the discouragement and degeneracy of agriculture thereabouts. West of Ohio there has as yet come no depression in agricultural values, that state being about the dividing line.

Value of farms

Let us study the problem in a somewhat different form, as presented in table 2.

TABLE 2 AVERAGE VALUE OF FARMS

Dollars

	1850	1860	1870	1880	1890	1900
New York.....	3250	4078	4708	4381	4280	3917
Wisconsin.....	1414	1893	2335	2663	3262	4041

By 1870 New York farms had reached an average value of over \$4700 each. Then came the decline, until in 1900 there was an average depreciation of nearly \$800 on each farm.

Compare this with the remarkable showing of Wisconsin. And yet all the time this depression has been going on, there has been an enormous increase in the population and the wealth of your State.

Table 3 shows the capital invested in the farms and manufactures of this State.

TABLE 3 NEW YORK CAPITAL INVESTED

Dollars. 000,000 omitted

	1850	1860	1870	1880	1890	1900
Manufactures.....	100	173	367	514	1130	1651
Farms.....	650	936	1196	1217	1139	1070

We see, while the farm values of New York have advanced less than 70% in 50 years, the manufacturing interests have advanced over 1600%. In 20 years, closing with 1900, the manufacturing interests of New York multiplied 300%, while the farm interests shrunk 12%. New York was once indeed the "Empire State" agriculturally—now several outrank her in the wealth of their farms. Why should this great State have retrograded agriculturally, when in population, in wealth and in manufactures, she has advanced so grandly?

Causes of retrogression

Let us now consider briefly the decline of agricultural values in the East. Land values have shrunk during the last 30 years not only in the eastern United States, but in Great Britain and all western Europe. The rich farmers of Holland, the peasants of France, the tillers of the soil in Germany and Denmark, all have felt, in common with our eastern farmers, depression, which seemed above and beyond their ability to withstand or to combat. We can hardly enumerate all the factors that brought about this depression, but the mighty ones are easily observed and described. The primary cause was the enormous extension of steamboat and railway transportation. In western America, in Australia, South America and India railways pushed their long arms over the plains to carry the enormous output of those regions to the seaboard; thence they were transported by steamboats at rapid pace to the great marts of the world. Thus the New York farmer found new competitors in the market. His wool, formerly so profitable, must be sold in competition with that from the great plains of Australia and South America. Wheat, once his leading crop, is now lightly considered, because of the much greater output, grown at low prices, on our western plains, in Argentina, Australia, and India. The discovery of mineral oils depressed the price of animal fat, and here another blow was dealt the farmer, all suffering in this alike.

Foreign markets affected

English agriculture, with the abolition of the corn laws, suffered enormously through the importation of vast quantities of food products to the island. In most ways there is no better farmer than the British tenant farmer, but this enormous influx of agricultural products has been beyond his powers to combat, and he has largely yielded to what seemed to him the inevitable, with the result that landlords have seen their rural estates decline in value

almost to the vanishing point. Holland was another country hard hit in the agricultural depression here described. On the whole, however, they were wiser than the British farmers and did not fall so far, and have been recuperating more rapidly.

A lesson from Denmark

The purpose of this paper is to plead for a strong, virile, agricultural people, as the rock foundation of this nation. Such a people must be ambitious, prosperous, and happy. Only when so constituted and grounded can the human product of the farm, its choicest fruitage, be such as to sustain this nation as it must be sustained, in times of trial. I therefore call your attention to an example of how one nation has withstood this agricultural depression and out of adversity gained strength and made material advancement. I do this for the purpose of teaching a lesson to the eastern farmer—the New York farmer—and to you who have dealings with him as educators.

Remember, first of all, that little Denmark covers less than 15,000 square miles of territory—in other words it is about one third as large as this State, or one fourth as large as Wisconsin. Its people number over 2,200,000, so that its population density is about that of this State. When agricultural depression struck Denmark, as it did Old England, New England, and New York, the blow was staggering, and this coupled with the loss of a part of her territory through German rapacity, might well have discouraged any people. Not so the plucky Danes. What Denmark has suffered has been the fire of purification, out of which has come one of the finest peoples that the world has in sight today. We all hear wonder-eyed of the marvelous energies of our Japanese friends. Let me point your attention to a people still more wonderful in the lines of peace and agriculture. When depression rested like a pall over Danish agriculture all were aroused to action and agents were sent by the government to study what other countries were doing agriculturally and what the English markets demanded in the way of agricultural products. While the English farmer was wondering what had struck him, the Danish farmer was sending envoys to study how to capture the English markets, if perchance there were any markets left.

Danish butter production

England is, on the whole, a richer country agriculturally than Denmark. England had as great opportunities for producing dairy

products as had Denmark, yet Denmark has captured the English butter market. The dairy school at Copenhagen was early established and an army of butter makers trained for the work. Trained experts traveled from city to city studying the British markets and reporting weekly what those markets demanded. The Danish government established butter scoring contests, so that each maker knew how his butter compared in quality with that of his fellow butter makers. Forty years ago Denmark made as poor butter as any on earth; today there is practically no poor butter made in Denmark. Her net annual export of butter—the quantity sent out over and above the quantity imported—is now over \$27,000,000 in value, and the annual gross exports are over \$35,000,000. The gross exports of butter, pork products and horses from the United States in 1903 and from Denmark in 1901 are shown in table 4.

TABLE 4 EXPORTS OF AGRICULTURAL PRODUCTS

Dollars. 000 omitted

	United States 1903	Denmark 1901
Horses.....	3152	3082
Pork products.....	2112110	22214
Butter.....	1604	35456

Having captured the best butter market in the world, the Danes next set about to produce high quality pork. Government agents were sent to England to study where she secured her choicest pork products, and learning that these came from Ireland, representatives were sent to that country to study how Irish bacon was produced. A great sum was spent by the Agricultural College and otherwise in studying the food combinations necessary to produce the desired quality of product. The result of all this intelligent effort is that in 1901 Denmark exported over \$22,000,000 worth of pork products. It is hard to comprehend such large sums. We can best give you some idea of the volume of this output by telling you that this great country of ours, with its boasted pork production, exported in 1903 a little over \$112,000,000 worth of pork products of all kinds. Pork production is a prime industry in a dozen great western states, and yet little Denmark, one fourth as big as Wisconsin and one third as large as New York, exported

^aIf lard compounds are included, add \$3,607,000.

about one fifth as much pork products as did this whole great country. Even of horses Denmark exports almost as many dollars worth as does the United States.

Egg production

One other illustration, and I am done with this line, interesting as it is.

After having gotten well on in butter and pork production, the farmers of Denmark, by aid of the government and their agricultural colleges, but especially through their poultry associations and by cooperative effort in collecting and marketing, advanced vigorously along the line of poultry improvement. Up to 1885 the egg exports of Denmark were nominal, although larger than those of the United States at the present time. By the year 1890 the exports had reached a million and a half dollars for that year, with a rapid increase, until in 1903, the last year for which we have complete figures, the exports of eggs from that country, a third as large as the State of New York, were practically \$8,000,000.

These facts are shown in table 5.

TABLE 5 DANISH EGG EXPORTS

Year	Value of eggs, 000 omitted
1875	\$ 451
1880	520
1885	900
1890	1541
1895	2258
1900	4870
1903	8092
Total New York egg production	
1899	8630

Again, let us introduce other figures for comparison. By the census returns, the great State of New York, three times as large as Denmark, in the year 1899 produced *altogether* \$8,630,000 worth of eggs, or scarcely more than Denmark exported in 1903.

Total agricultural exports

But, you will say, we have picked our statements for comparison and after all the American farmer is what he boasts—the leader of the world. My friends, do you know how much our total ex-

ports are? Dropping large figures, there are, in round numbers, \$11 worth of agricultural products sent out of this country annually for every man, woman, and child in the country. This includes all returns from cotton, wheat, corn, livestock, meats of all kinds—all agricultural exports in fact. Denmark, with a population as dense as this State, exports \$33 worth of agricultural products for every man, woman, and child in the country, or three times as much as the United States, per capita.

It is a most significant fact that Denmark pays the United States millions of dollars each year for feeding stuffs. In ordinary years her corn bill amounts to about \$8,000,000. Think of it, friends! Corn is shipped from Iowa and Nebraska by rail to Buffalo, through the Erie canal, and by ocean vessels to Copenhagen. There it is taken by rail to the country and drawn out to the farms. When fed to pigs and chickens, their products go back to England to find a market. Some of the corn fed in Denmark actually passes across the whole State of New York, close to its thousands of farms, and yet many New York farmers will tell you that they can make no money farming.

How Denmark has advanced

Denmark has advanced to this marvelously creditable position not because of her geographic position, not through military prowess, but through the intelligent, wise action of her agricultural people, filled with hope and ambition, guided and abetted by a far-seeing, broad minded general government. Little Denmark, only one third as large as the State of New York, has scores of agricultural schools of high and low degree. The Danish government, instead of spending money niggardly for agricultural advancement, as is the case in this country, uses money wherever and whenever it can be judiciously applied for agricultural advancement. Not only are agricultural schools of all grades given aid, but many other lines of effort receive government help. For example, about \$10,000 is spent annually at the Agricultural College of Copenhagen for the expenses incident to scoring packages of butter sent to that institution for inspection by the creameries of the country. Through this aid all the creameries have constant knowledge of the quality of their butter product, making the maintenance of a high standard a relatively easy possibility.

With all her schools for agriculture and all her forces operating for good, Danish agriculture would have reached nothing like its present paramount excellence were it not for a spirit of loyalty and hearty cooperation running through the souls and actions of

this splendid people. The following from a distinguished writer¹ is in point:

Their agricultural instruction, although excellent as far as it goes, is not sufficient in itself to make the Danish small holder the successful farmer he is, but it quickens his intelligence as a follower. His success is due to cooperation and expert guidance. The Societies of Kontrol established all over the country on the initiative of the Royal Danish Agricultural Society may be cited as an illustration of this, and also of enlightened combination being pushed in a direction hardly thought of in this country [Scotland]. They are essentially combinations for controlling the breeding and management of cows, but at the same time they bring equally to every farmer the opportunity of adopting with advantage expert advice on scientific and systematic methods of conducting farm practice.

The farmers of a district, owning say 400 or more cows, join together and employ the services of an inspector nominated by the Royal Danish Agricultural Society. This man is usually college trained. For the little group of farmers he serves he is a most valuable agent. He goes from farm to farm helping the farmer keep his set of account books. He tests the milk of each cow on each farm, making all the computations necessary, giving the farmer advice and counsel as to which cows to reserve and breed from and which to dispose of because of worthlessness. He inspects the feeding stuffs furnished the stock and makes recommendations thereon. He further counsels with regard to fertilizers, seeds, the rotation of crops, etc. The government aid granted to these authorized helpers or farmers counselors, is a little over \$50 each, a year. Two years ago there were over 250 such traveling counselors, and that number is probably nearly doubled by this time. How many trained men are there in this great State today who give their whole service to the farmer?

In pork production, first of all the Danish government sent special agents to study the bacon markets of Great Britain and afterwards conducted extensive studies looking into the proper production of bacon of the highest quality. This research work was done through the Agricultural College at Copenhagen. Today a large part of the Danish pork product is the output of cooperative pork packing establishments. The poultry industry, which has advanced with such enormous rapidity, is the outgrowth of society and communal effort. Poultry societies, with large memberships, are to be found scattered all over the country. We too in America have

¹William Bruce on "Some Features of Dairy Farming in Denmark," Transactions of the Highland and Agricultural Society of Scotland, 1905.

poultry societies, but are they not usually studying the "fine points," rather than the "fine doing" of their birds? But not only are there poultry societies in Denmark, but what is more important, there are cooperative egg handling and selling societies. Through these societies the producers are able to place their eggs on the market in the best possible manner at the smallest possible cost for conducting the business.

Let me tell you that from personal observation I know that Danish farmers are full of push and progress, that they are a happy, contented and prosperous people, not content in stupid idleness, but ambitious in thrift and progress. They dress well, have comfortable homes, and live well, and this despite the fact of living on farms that have produced crops for thousands of years, despite having to help maintain a standing army, supporting royalty, and even having to care for a navy. We must remember that the agricultural depression which struck our Eastern States, hit Denmark just the same as it did these Eastern States. We must remember that emigration has worked for Denmark much as it has worked against New York agriculture. Taking all the facts into consideration, I contend that Denmark stands out as the finest example the world has produced of how an agricultural people can rise through discouragement and pending disaster to a high standard of national excellence.

Agricultural depression in the East not a necessity

With Denmark as an example, I maintain that the depression which struck the East and which to some degree holds today, is an evidence of weakness in the fibre and make-up of the people, and as such is a matter for serious study by all students of national life in this country. When the eastern farmer felt the severe blow of merciless competition he was staggered and seemed to have lost his reason. The New York farmer, left unaided by the State government, and almost unhelped by the national government, shrank from the conflict and yielded his high position—for the time was when no farmer on earth stood higher in intelligence, progress, and all that goes to make up a worthy people, times considered, than did the farmers of this State. Struggling along, without specific help for his troubles, and with no union between him and his brother farmers, grievous has been his financial loss and many his agricultural failures. When wheat grown in the West knocked down the price of wheat in the East, the New York farmer steadily kept on "growing wheat because his father had

made money growing wheat." Even today there are thousands of New York farmers producing wheat at a loss of 30 or 40 cents on every bushel grown, and still they do not know what is hurting them. Others are producing hay at ruinously low prices, depleting the fertility of their farms and eking out but the meanest sort of a living. While little Denmark, one third as large as this State, is employing traveling instructors by the hundreds, our farmers are still struggling with but a minimum of agricultural instruction. While the Denmark farmers are feeling the powerful effects of intelligent cooperation, our farmers "go it alone," and reap the usual reward of single handed effort.

A sorry condition of affairs agriculturally

If you wish to measure in some degree the fearful depression of agriculture in the East, even down to these days, spend a week in a western state—any of them, from Wisconsin to Texas—and you will be profoundly impressed with the differences of thought, bearing and action of the two peoples. The western man is eager and enthusiastic, his farm is the best in the world, his crops the biggest, his stock the finest, and his children the brightest. All are the joy of his life and his face brightens and his eyes sparkle as he sounds their praises. The eastern farmer will show much interest when you speak of Kansas agriculture, but speak of New York or Connecticut farming and his eyes grow dull, his face becomes a blank, and he sits limp and listless before you. He prefers to talk of anything under the sun save his own farm and what pertains thereto. And yet these eastern farms, for inherent beauty, for all that goes for home making, for possibilities in the range of crops, and for good markets, are without a rival anywhere in the world.

"As a man thinketh, so is he."

What promise have we for the future progress of this nation when we find a farming people who speak disparagingly of the lands about them, who complain of lack of profits and who complain of a worn-out soil only a generation or two removed from virgin conditions. Old Europe, where thousands of years mark the age of her fields, utters no such cry of soil degradation.

You will understand, I am sure, that in pointing out the agricultural depression in the East I do not place all farmers in one class. On thousands of farms there was exhibited heroic courage amid the greatest discouragements. These farmers have more than held their own. They and their families loved the land and their

country homes. They have saved the state from disaster and are today the nucleus about which is being built up a new and better agriculture.

On the upgrade

In my judgment the period of depression for eastern agriculture has reached the bottom and is now on the upgrade. Whoever will study the problem carefully must see evidences of this betterment. One of the reasons for improvement is the fact that good farming lands in this country are now nearly all occupied. The profligacy of this nation in parting with its wealth in virgin lands and forests has almost run its course. The time is about at an end when anybody, worthy or degenerate, can secure from this government, by mere occupancy, a generous allotment of land.

One of the disastrous secondary effects of giving away the national domain was to breed in the minds of men light regard for land ownership, for that which costs little is little appreciated. In this country men had come to so undervalue the possession of land that they parted with it as they swap jackknives. With the passing of the homestead movement, a profound change is coming over the minds of the people in regard to the possession of land. Everywhere we notice how they are coming to regard country property as something to be dearly held. The love of the ancestral homestead is now impelling the purchase of much land. Men of high and low degree are searching out and securing country property. The railway official, the banker, the lawyer, the merchant, the mechanic—in fact all classes of urban people are thinking countryward as never before. You hear farm matters talked over on the railway train, in the office, and on the streets. Some of these developments are indeed but fads, wild exuberances of a new sentimentalism, but fortunately they are not particularly dangerous. These abnormities do but indicate a deep, underlying human desire to live close to nature on the land. More important than is this city movement toward the country, is the reflex effect it has upon the people already on the farm. When others think so highly of lands and country life, then the farmer, if for no other reason, will begin to place merited value thereon.

Agricultural education

A generation ago the agricultural colleges were regarded by the farmers with mild enmity and narrow suspicion, which largely shut out the modicum of good these institutions were at first capable of accomplishing. Not only in those old days were our agricultural

colleges almost despised by the farmer, but they were regarded with indifference, or something worse, by educators. There was no body of agricultural knowledge available in pedagogic form for the purposes of instruction. As these men looked over the field, they saw nothing that could seemingly be taught with advantage to pupils as other scholastic branches were taught. Furthermore, no students were seeking agricultural instruction. What was the use, reasoned these teachers, of departing from educational traditions. But our agricultural colleges have outlived those dark days of indifference and contempt. Fortunately in those early times here and there was a strong, patient worker, who held on to what was, and prophetlike, looked ahead for better days. Slowly, but persistently, these men put agricultural knowledge into teaching form and built up courses of useful instruction. The experiment stations added mightily to encouragement and advance. Gradually the farmers began to have faith in these institutions and students began to flock to the colleges for instruction. Now we have reached a period when in some of our middle states the agricultural colleges are the most popular of all educational institutions in their hold on the people and in the enthusiasm with which they are supported. The Eastern States have hung back and let the West outstrip them in this movement, but they are now swinging into line.

At Washington we have that great central force for agricultural advancement, our national Department of Agriculture. In your own State you have the Department of Agriculture, with its central offices in this Capitol. As powerful factors you can point to Cornell and Geneva. Great as are all these forces for good at this time, let me say to you, as one who has seen these things come on from the most insignificant beginning, that their growth and power have only begun. Where you are spending a dollar in the support of these institutions, you will soon be giving a score, and where you are now receiving one measure of good therefrom, you will soon be receiving a thousand. Now you have an agricultural school at Cornell. Soon it will be vastly greater than at present, and in addition there will be lower agricultural schools of great power and influence scattered about the State. Your farmers institute efforts will be strengthened and take on forms of usefulness not dreamed of today.

Cooperation

The combination of increased intelligence in agriculture and the deepening love of rural affairs will in due time have a marvelous effect upon the productive capacity of our rural people. An intelli-

gent, land-loving family, satisfied with its environment, will yield a far larger farm product than under the past conditions of unrest and discouragement. In the better days coming every member of the family will work with intelligence and enthusiasm, and as a result there will be vastly increased production, which will in turn bring a thousand blessings to tend still further to contentment and happiness.

The culmination of all these improved conditions will bring about a new factor of the highest value to the farmer—cooperation. When our farmer friend has grown truly intelligent, when he comes to love and properly appreciate his farm, as he surely will, when the brotherhood of man is recognized, then will come the great advance, that of industrial cooperation. The cohesiveness of American farmers in the past has been like that of dry sand in one's hand. In the near future they will join together in securing the best live stock for their flocks and herds, the best grains and trees for their fields and orchards, and the most effective fertilizers for their soils; then especially will they join together in assembling and marketing their products in the most judicious economical manner.

Intelligent cooperation among farmers is as sure to follow in the present upward movement as is the sun to rise tomorrow. Intelligent production and economical marketing, through cooperation, will place the American farmer in the very front rank of all that goes to make for enlightened citizenship.

To my mind these better days are close at hand, for progress is cumulative, moving with accelerating pace when the way is clear. As educators it is our pleasure, as it is our duty, to hasten this glad day.

ADDRESS

BY HON. WILLET M. HAYS, ASSISTANT SECRETARY OF AGRICULTURE,
WASHINGTON D. C.

Mr President, Ladies and Gentlemen: I am indeed pleased to be here, and especially pleased to meet this great western man, Professor Henry, who was a neighbor of mine in the West. Professor Henry, it is true, is a product of your own State, a product of your own agricultural college, and it was here that he was first directed into the work of country life education; but it was in the West that he developed his many broad ideas. He has told you intelligently and forcibly today of the greatness of this movement and has urged you to get into line with it.

In building up country life in the United States many conditions have had to be met and overcome. Eighty years ago about 75% of the people of this country were engaged in agricultural pursuits; now only about 35% are engaged in agriculture. Today in New York State only about 14% of the people are on the farm. This change has been brought about largely by economic conditions. Eighty years ago manufacturing in the United States was done largely in the country; today it is confined almost wholly to the cities, and it has grown enormously. The people are using relatively more manufactured goods than they did. Transportation has developed greatly and commercial business has grown rapidly per capita. The professions have increased in numbers and the government functions have developed. The number of people employed for personal services by persons of wealth require ever increasing proportions of the entire population. All these conditions have drawn the people to the cities.

The country, on the other hand, requires fewer people than it did. Great improvements in machinery, better methods of farming, the extension of the agricultural area into the great plains of the West, better plants and better animals, have led to a much larger production of agricultural commodities per farm worker. Today the production of our farmers is largely limited to two or three kinds—the raw products of food, the raw products of clothing, and, one may add, horses.

The nation eats only so much per capita and the raw product for clothing per capita does not vary greatly in amount. The people pay more for clothing, but the greater cost of manufacturing

causes the main addition to the price of both our food and clothing. All these conditions have caused a natural decrease to the percentage of the whole people on the farm. There has not been need of so many persons in agriculture. But there has been another force at work which has been partly responsible for the decrease, and we educators are somewhat to blame for it. Our school system has been so organized as to lead many people away from the farm.

We are now reaching the limit of reduction in the percentage of rural population; we can not have another 40% loss; we can not lose more, perhaps, than 10%, leaving the farmers at 25% of the whole; and this loss must be more gradual than that of the past. We are reaching a point where we will have a nearly permanent farm population. The movement of people from the farm to the city will greatly decrease and there will not be many moving from city to farm. Of course there will always be some movement from the city to the farm and from the farm to the city, but it will affect very small percentages, or fractions of 1%. It hardly needs consideration, once the balance has been nearly reached.

But the problem we now need especially to discuss is that of educating for country life those boys and girls who are raised in the country and who are to become our farmers and the home makers of the future. I might almost put the emphasis on the home makers. I have a western point of view and probably a novel one, and you will pardon personal reference. I was brought up on a farm in the West and became a farmer, managing the home farm for some years. I also had experience in investigating and helping in the introduction of agriculture into our local rural schools, into agricultural high schools, and developing agricultural collegiate education, and I have reached the belief that we are gradually but surely organizing an adequate system of country life education.

You educators who are interested in the older kinds of institutions—the general academies, colleges and universities, and the so called sectarian institutions—will think me radical, perhaps, but I ask only that you follow the steps of advancement in this new education, and I am sure you will like these new institutions. I hope you will try at least to get started samples of state agricultural high schools in the Eastern States such as some of the Western States have developed.

The consolidated rural schools have been a success in the Western States and also in the Eastern States wherever they have been

established. I believe they should be developed in all localities in all regions where rich farm lands will produce sufficient revenue.

We have heard the philanthropist and the preacher say, "Try to get the people out on the land." There should be no more people engaged in farming than that number which can secure profitable remuneration. If the percentage on the farm had run down to 50% instead of to 35%, our farmers would be overproducing, and while all other vocations would be shorthanded and very profitable, farming would be very much overdone. The 35% need the 65% to supply them with a market, and if 50% had only half the whole people to clothe and feed, our farmers would indeed have very hard times. There must be a proper balance of the people in the city and the country, and the law of supply and demand will always keep the proper balance. Theories and desires must ever continue to bow before the great economic forces.

Our great problem now is to educate the people in country life who are to be farmers; not to try to cure city ills by moving people against a tide which is recognizing that the number required on the farm is growing less and the number required for city vocation is increasing annually.

Years ago prominent educators said: "Educate the few and they will bring up the masses." Today we have the few educated, and it is their duty to bring up the masses, and one of the best means—the best means today—is through a proper system of education. The masses are the plain delvers, the workers in the cities and in the country; and we need, as Professor Henry has said, a broad plan of finance in this part of agricultural advancement. We need a broad plan of advancement in every division of country life—in building good roads, and in other matters that need to be financed, as we finance great navies and great armies. Ten millions for agriculture and a quarter of a billion for army and navy by the national and state governments, may not be investing too much in the weapon, but certainly too little is being invested in strengthening the arm which wields the weapon.

Our leaders should not lack for broad plans for building up the education of the plain people of this country. The thoughtful men of our country are now ready for such organization of education in our primary and secondary schools as will build up a system of education that will place the technical education of the people who do the real work of the country—and of the city, and of the homes everywhere, on a plane far above that which it now occupies. We have successfully inaugurated technical education for the pro-

fessions; the time has come for a broad movement for the introduction of technical education in every line of industrial work to which it can be applied; and it can be applied to nearly every line of work, especially to agriculture, to the city industries, and to home making.

In some of the states education is largely being cared for in the state institutions. In many of the older states of the East this movement has gone forward with much less rapidity. Private and public institutions everywhere have turned their attention very largely to city life education, and we have a great system growing up, especially developed throughout the West, with city graded schools at the base, city high schools above, and universities at the apex, and other institutions as adjuncts of this general scheme. The teachers, the texts and the ideals of even our rural schools have been turned toward city life.

But a belief is arising that our agricultural colleges are at the head of a new system. A system of large rural schools, consolidated into large central schools where the wealth of the soil and density of population will admit; of agricultural high schools, with one in every 10 counties, and, in some cases, one in every county; and of agricultural colleges, all articulated into one system, will make a ladder which the young men and women who are to remain in the country or who are to work with farm problems can climb. Even in the lower grades there should be more practical, industrial work; a great deal of industrial work should be provided in the agricultural high school, and more special courses than now in the agricultural college. I have arrived at this belief because of my connection with some successful experiments along this line in Minnesota. The proportion of subject-matter as worked out from 17 or 18 years experience by the Minnesota Agricultural High School is, speaking generally, one third general studies, one third science as related to agriculture, and one third technical subjects related to agriculture and home economics. This may appear a very radical proposition, but it works out, and it sends these young men and young women back to the farm no longer feeling that farming does not give opportunities, but with a great pride and interest in the business and in the country home and with the belief that the work will make them more useful citizens and a benefit to the community at large. In addition to this general system, the number of adjuncts to this system of country life education, such as farmers institutes and nature study work are rapidly increasing in kind and quantity. A great many university and college exten-

sion projects are being started which provide a system of schools and teachers who are constantly in touch with the farm boys and girls, giving them not only knowledge, but the best methods of farming and of home making, and instilling into them the spirit, the belief, and the interest in things in the country; and in this adjunct work your State is in the lead.

The national Department of Agriculture is cooperating with the agricultural experiment stations of every state and with many state agricultural colleges. The nation and the states are building up a system of research which is providing a body of knowledge of agriculture and home economics of highest interest and value in developing courses of study in the three classes of schools devoted to country life education. We have a great and growing country life literature, with growing educational theories. A great deal of this subject-matter can be put in these courses of study without reducing the number of other essential studies. We have no reason today to fear that technical education will reduce the attention given to general education, nor to fear the general educational effect of technical subjects. These studies will bring the student closer to the realities of agriculture and the home, and they have a large educational value. As to the proper proportion of these subjects, if we could so organize our schools that we could put into these consolidated schools, for instance, a minor part of agricultural instruction and instruction in home economics, with a teacher of agriculture constantly in touch with many farms in the neighborhood, we could keep pupils in school longer and give them a far better education than now. If we could have the pupils in an agricultural high school, say for two years, and then divide the work, say one third to agriculture or the industrial subjects concerning the home, one third to the sciences related to industrial work, and one third to general subjects, we would have an immensely broader course than we have been giving. It is not claimed that the proper scheme for organizing and financing country life education has been worked out. A comprehensive plan is needed and a comprehensive plan will cost much money, but this line of expenditure is peculiar in that it increases the earning capacity of the people as well as their capacity to sustain a high type of home and a high country civilization. Take as a concrete example a great state with rich land in every township, with, we will say, 10,000 rural schools and an agricultural college. Comparatively few students out of the whole number attend the agricultural college; a portion of the farm boys and girls attend the city high

schools or private secondary schools and colleges, or the state university. Part of these go into city life and part return to the farm, though very few are technically trained for farming or especially trained for conducting the farm home. Let us suppose that these 10,000 rural schools should be changed into 2000 consolidated schools. In these 2000 consolidated schools, which might properly be called farm schools, we should teach the general branches, with a due proportion of industrial education to the 400,000 farm pupils in the State. In 10 agricultural high school areas each covering 10 counties, provide instruction for 10,000 pupils in a secondary course in agriculture and in home economics, and if 1000 want to go forward with a collegiate agricultural course, provide for that number in the state agricultural college. With such a system of education we would not only prepare practically all of the people who are to become farmers and farm home makers, but we would prepare in these agricultural high schools, teachers for the consolidated rural schools, so that the principal of each one of these schools would be trained to teach agriculture and an assistant would be qualified to teach home economics, and we would have in the country, as we have today in the city, a system from which the teachers could come in the regular way to the lower courses from the higher. Normal schools would be needed to give some additional training in methods of teaching, as they now give additional preparation to teachers for our city schools.

The national Congress started this separate system of country life education by giving to each state in 1862 a grant of public lands for use in establishing an agricultural college, as earlier it started the system of city life education by making to each state a donation toward establishing a state university and thus inaugurating, or forcing the establishment of a system of institutions at the head of state educational courses, which have nearly all been bent toward city life. The national Congress later, in 1887, by a substantial grant of money, induced each state to establish a state experiment station. As the states were led into starting these institutions, and as many cities have been led by the Legislature in their respective states through grants of money to build up splendid city high schools, so cities can be further led to build up a system of education in mechanics arts and home economics, and the states can lead in a plan of building up agricultural high schools and through state aid can induce localities to change from the little rural schools to the consolidated school to which the pupils shall be hauled by team. Educating those who

are to farm, to carry on city industries and to conduct the homes of the people, is coming up in a new way. Industrial education is demanding a place beside the three R's. The plans are to be devised, a system to be financed, teachers to be prepared, the body of knowledge to be rounded out and pedagogic methods to be wrought out. Technical education which long ago put theology and law and teaching on a basis of great advantage, offers to do the same for these three great industrial vocations.

WAYS AND MEANS OF FITTING EDUCATION FOR AGRICULTURE INTO THE SCHOOL CURRICULUM

BY JOHN R. KIRK, PRESIDENT OF FIRST DISTRICT NORMAL SCHOOL,
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When this subject was assigned to your present speaker it was suggested that he show how to introduce agriculture into the curriculum "with benefit to the school and no injury to the curriculum." The suggestion seems natural. It should doubtless occur to any alert and practical man. The speaker however was inclined to ask, "How can the large healthy foot of an average man be fitted into a narrow shoe with benefit to the man and no injury to the shoe;" or "How can the full round head of a large brained child be fitted into a small stiff hat with benefit to the child and no injury to the hat?" The further thought occurs that feet and brains are essential parts of an organic whole while shoes and hats are useful conventionalities which ought to be so made as to be adapted to feet and brains.

For a decade or more we have been enriching the curriculum. Some are worried because of our extravagant use of fertilizers; but we shall keep on enriching and reorganizing the curriculum. Some good people would center all our energies on the old question of fundamentals. But what *is* fundamental and what is secondary and subordinate? We shall see.

A few years ago the colleges and high schools had no chairs of English. Then we exemplified our primitive conceptions by using the clumsy phrases "supplementary reading" and "literature in the grades." Reading was largely a mechanical process. At best it was said to be acquiring through mechanisms the thoughts of others. Now we know better; we see more clearly. Prior to reading we master certain conventionalities through charts and other facilities. By practice, the use of the conventionalities is passed over into the automatic. *Reading* has become *thinking*. It always *was* thinking. It is the personal interpretation, appreciation and assimilation of literature. It is not getting the thought of the author. Reading, hearing and observing mean that we are having thoughts of our own, aroused in our consciousness through external stimuli, visible, audible and tangible things of the earth. Look back a few years. How we did worry about overloading the curriculum with literature, vocal music, art, manual training, domestic science, gymnasium work; and how many of us thought the curriculum would be irreparably injured. But we now have

all these things in the curriculum. They are, to say the least, as essential as those mechanisms, the 3 R's, so erroneously looked upon as the fundamentals; and the curriculum still survives.

But now another new study commands our attention. It is conceded that all children ought to know more about nature and natural forces than the curriculum now provides for. To meet this want we now attempt to introduce the essentials of agriculture into the curriculum.

We are obliged to recast some definitions. We have long endured unprofitable contention over two alleged phases of school education, i. e. education for culture and education for utility, the classics being *supposedly* for culture; the sciences and some other subjects, for utility. We now see that the classics are as much for utility as they are for culture and that the sciences are as much for culture as they are for utility, that every legitimate subject of study is for both utility and culture. Education in agriculture is an essential utility because it is the only means of furnishing adequate conceptions of the fundamental occupation of mankind upon which all other occupations now depend and forever must depend; but education in agriculture is also a basis of true culture and refinement, as illustrated in some of its earliest fruitages which we recognize in the adornment of homes and schools, through improved lawns, shade trees, walks, driveways, gardens and flowers. These things open the avenues to consciousness and reveal to us the beauty world which lies about us. Agriculture in the public schools has a threefold value—esthetic, educational, utilitarian. All these values are discovered and appreciated through the many exercises actually performed by the students themselves. The speaker wishes he could take you some December day to the assembly room of a large normal school or normal college which has agricultural laboratories and a school garden. As students and visitors assemble daily at 10 a. m. to sing songs, hear announcements, say good morning, shake hands and go again to their several classrooms, a common uplift is felt by the whole mass of men and women as the eyes are opened to half a dozen beautiful jardinières loaded with perfume-bearing flowers; but the flowers are not bought at a greenhouse. The students know where the flowers come from and how the flowers grow. Among the students are those who, directed by scholarly instructors, sowed the seeds or potted the flower-bearing bulbs, watched and tended the plants from germination to the flowering stage and through weeks and months of study, observation and care, grew familiar with the

relation existing between seeds, soil, sunshine, moisture etc. on the one hand, and these flowers, the admiration of all, on the other.

How introduce agriculture into the curriculum? A practical statesman well known to all of you once said the way to resume was to resume. So some of us in the middle West introduce agriculture into the curriculum with benefit to the school and without injury to the curriculum by simply making the introduction. We just place agriculture in the curriculum. We give it a fair share of time, equipment, labor and thought. We are unable to discover any resulting retardation in any other subject. We notice that the children are more observant, more alert. They see more things. They have more conceptions of realities. They have an enlarged vocabulary. We modify the treatment of geography and combine agriculture with it. We treat literature and agriculture in the same way. Literature furnishes children more food for thought and a better variety of thought illustrations. Agriculture furnishes the children more food for thought and a larger variety of concrete material for all purposes.

In lieu of one school reader filled with fragments of literature, all of the best schools have introduced an abundance of undissected and undamaged masterpieces. We have quit using that cumbersome evidence of ignorance, the phrase "supplementary reading." We have learned much by experience. We therefore seek to avoid introducing agriculture into the curriculum for exploitation by people whose knowledge is merely fragmentary. Children can learn literature fairly well by reading it if the teacher be ever so ignorant. Not so with agriculture. Not so with nature study which is commonly a misnomer and too often means reading things about nature and repeating statements about nature without studying anything that is natural and without observing scientific modes of procedure. First of all then, a supply of *teachers must be educated in agriculture*. I think our higher institutions ought to furnish the means of doing this. All universities, all normal schools and most of the large colleges ought to contribute something.

The most valuable investigation, discovery and thought in agriculture, as in other subjects, is carried on in the universities, but the universities as now organized can contribute comparatively little towards introducing agriculture into the curriculum. They reach the schools only in spots. The institutions that educate and train the rank and file of public school teachers are the ones best adapted to leadership in the introduction of agriculture.

The normal schools can do this great work just as they are able to do the larger part of the work of educating teachers to organize and conduct libraries. The full fledged up-to-date normal school now gives courses in library work which require as much labor in preparation as is required in the preparation for science or language, or any other subject; likewise the normal schools are to do the larger part of preparing teachers of agriculture for the public schools. The university and the experiment station carry on the investigation. Theirs is chiefly the field of research. They can prepare a few teachers who will assist in the introduction of agriculture into the public schools. Some of the well equipped colleges will pretty soon be offering courses in library work. Gradually they will secure laboratories and give adequate instruction in agriculture. They have the alternative of doing this or taking a side track while the car of education advances. Some of the colleges now offering courses in agriculture, are lacking in equipment and library facilities. They therefore rely too much upon textbooks and can not provide reliable teachers of agriculture.

The high grade normal school furnishes teachers for all public schools, high schools, elementary schools and kindergartens. The best normal schools or normal colleges of the middle West offer academic courses covering all that the high school gives and all that the college can give. The typical high school graduate has little more than the child's view of subject-matter. To take him into the normal school and give him a few shallow dips into botany or agriculture or any other science and to give him, along with these, large and unbroken doses of pedagogy or methods, is to live and labor in the shallows.

The ordinary view of education is superficial. It is to the effect that partially educated people can be filled with such prescriptions, recipes and devices as a typical normal school in static condition can give and then intrusted with the work of instruction in elementary schools, while the secondary teachers must have both high school and college education not necessarily supplemented by professional training. This vicious and deplorable conception is far too common. The high grade normal school of the middle West guarantees that its graduates have that knowledge and that viewpoint of academic subjects which college graduates are supposed to have. It furnishes also adequate conceptions and experiences in pedagogics and then sends out *strong personalities*

who are independent of prescriptions, recipes and devices and who construct ways and methods of their own because they have large information and minds regulated by diversified experiences. Such normal schools are based on the idea that the third grade child and the seventh grade child need as scholarly teachers as the high school child.

The school which the speaker represents is typical of one division of normal schools in the middle West. 47% of its students are men, full grown men. This school gives long and severe courses in several sciences. It allows no credit or recognition for any piecemeal work in science, no credit or recognition for merely reciting textbook lore about science. No student is authorized to study a science unless he takes it with the intention of pursuing it in the laboratories by laboratory methods for a period of not less than one year; but to educate a teacher in agriculture in one year's time is pretty nearly impossible. We do not believe that all teachers should prepare to teach agriculture or that all teachers should study it. We do not believe that all teachers can learn to teach mathematics. There are a few rare people who can teach well subjects of nearly all kinds; but as a rule they do not have very extensive knowledge of any subject. Gradually we expect to secure consolidated rural schools in which a measure of specialization will carry each school to higher efficiency. In many places we are making beginnings. The normal schools of Missouri have laboratories and science teachers sufficient to give two years of laboratory work and study in physics, two in chemistry, two in zoology, one in botany, one in agriculture and one in physiography. We are not free from superficiality. We allow some students without previous training in any science to begin the study of agriculture and pursue it for nine months and then go away and undertake to teach the subject. They enter village and rural schools and do what they can. They designate the subject, sometimes as agriculture, sometimes as nature study. No doubt they do much bungling but they probably make as good a start in this subject as their predecessors did in civics when that subject was new. In no event is their empiricism worse than that now exhibited both east and west in teaching human physiology in elementary schools. When the subject takes the name "nature study" it is sometimes discouragingly ill-organized and badly taught, a sort of hodgepodge. But our elementary and high school teachers of the middle West, at least, are now teaching literature pretty well. A dozen years ago most of them were

teaching literature in a very desultory way or not at all. We are therefore not without hope as to agriculture.

In the Missouri normal schools our students of agriculture are encouraged to take the longer courses and to have at least biology and chemistry in connection with agriculture. If possible we prefer to give the biology and chemistry before the agriculture. When we can have as a basis the biologic and chemical courses through laboratory processes we can give the courses in the agricultural laboratory and the school garden to much better effect. It should be understood that when we speak of laboratories we mean those in which the students perform all sorts of individual experiments; but a laboratory which is not associated with a library and pretty good textbooks is an abnormality only a little better than a collection of science textbooks without any laboratory. The typical farmer represents a laboratory without books and without good instruction. *True science is through instruction and experiment.* Through experiments the mind is prepared to appreciate the accumulated knowledge of the race.

It might be asked, how do patrons view agricultural courses? In some communities they are not yet ready to permit the teaching of agriculture. Stoical incredulity is in places practically insuperable, at least for the present; but the superficial hurried courses in farmers institutes, the bulletins from the universities and experiment stations, the agricultural journals and endless discussions, all contribute to the making of sentiment. I think a majority of the schools, academies and colleges offering instruction in agriculture are yet giving the instruction in a rather superficial way. Bailey's *Agriculture* and other hastily written books are commonly used. Much of worthless memoriter work is done; but sentiment is improving. It is probable that the people will become anxious for proper instruction faster than schools and colleges can prepare teachers to give the instruction.

I think it is not irrelevant, in passing, to ask how we first taught physics and other sciences. In New York you may have begun by rational laboratory methods but I am not so informed. In the middle West we began by learning things from books. When the speaker had studied Tenney's *Zoology* about six months he could pass a far better examination in zoology than he has been able to pass at any later time.

There is a pretty general misconception as to the real purpose of education in agriculture. The heading of this paper does not serve to make our purposes any clearer. A market gardener recently

drove past the school garden of a Missouri normal school. He saw the science teacher working with some children in the garden. He said to me: "That teacher of yours don't know nothin' about agriculture. She ain't a doin' no good for herself nor anybody else workin' in that little patch with her school kids. She couldn't get two crops from one patch o' ground like I do."

However that teacher of agriculture had just given a group of farmers a practical lesson in clover raising and rotation of crops which they acknowledged to be worth hundreds of dollars to them; and yet our instruction in agriculture and our laboratories and school garden are not altogether for strictly practical purposes as the market gardener and the farmer would expect.

The course in agriculture is chiefly for education. It is to open the avenues to the soul so that external stimuli of a thousand varieties may reach the soul. Shakspeare, to illustrate, had no school education in agriculture. His father could neither read nor write, but the external stimuli, the vast variety of odors, colors, forms and sounds, found avenues to his consciousness. He thought more than other men and wrote better than other men because Stratford-on-Avon and Warwick and Kenilworth and the dark forest and all that beautiful country found avenues to his consciousness in ten thousand ways, and he spoke of things *as they spoke to him*. So we, through the endless agencies of an agricultural course, seek to open the avenues to the consciousness of the children and give them the power of observation, i. e. of seeing things in their minds after physical impression has been made upon the eye or the ear or other senses. Observing is thinking.

We give children experiments to perform in the laboratory and in the school garden. We teach them to make observations and to do things. We give opportunity for reading, cogitation and reflection. We stimulate their constructive ingenuity. We make of them doers of things and builders of things. We do not fill them with rules and prescriptions for doing certain things in certain ways. We are not teaching recipes for sowing radishes or planting fruit trees. Rules and recipes are at best only incidental to our purpose. We are not expecting to make the children imitators in gardening and farming any more than we make of them imitators in composition, in letter-writing, in number work or other studies. But we *are* undertaking to make them intelligently familiar with the big round world that they live on. We see agriculture and geography as necessary and connected parts of one fundamental subject.

What have we to work with? Full grown men and women, 25

years of age, typical students of the normal school, and the 6 to 16 year old children in the practice school work with nearly the same materials. The practice school typifies a public school and is equipped as a public school should be equipped. Our laboratories are ample in size and well supplied with microscopes, herbarium cases, bookcases, reference books, dictionaries, maps, charts, ordinary biologic tools, cutting tables, milk testers, soil tubes, test tubes, hoes, rakes, hatchets, knives etc. These are in use all the year round. The garden of course is in use only in spring, summer and fall.

Some of the subjects taught by instruction and by experimentation are as follows: difference between types of soils and kinds of plants; the importance of drainage; methods of tillage for conserving soil moisture and effecting soil ventilation; keeping plant foods in the soil by cover crops and by preventing exhaustion of food elements through rotation of crops; principles of feeding; how to care for milk and test its qualities; propagation of plants by seeds and by buds; grafting and transplanting; the principles and effects of pruning for fruit, for shade and for ornamental purposes; discrimination between the insect friends and the insect enemies of plants; the making and use of insecticides; elementary landscape gardening whereby homes, school grounds and other premises are transformed and beautified. As concrete illustrations I may mention the following: Monday, June 26, at 10 a. m., I started from my office to the school garden; passing the agricultural laboratories I met a dozen fourth grade children coming in from the garden. These children were tripping along with rakes, hoes etc. each one carrying a large bunch of sweet peas which had just been gathered at the close of a garden exercise. Some children of another class were still in the garden. One girl was gathering nasturtiums from a bed which she herself had planted and tended. I noticed on the right a long row of sweet pea vines about four feet high, loaded with flowers, and in the garden at large I could readily notice plants and flowers representing all the vegetation growing in the neighboring farms, gardens and orchards. In one part of the garden are 32 individual gardens. These individual gardens are only a few feet each way in extent. In individual garden no. 1, I noticed: (1) onions, (2) beets, (3) cabbages, (4) potatoes, (5) corn, (6) beans, (7) a radish bed, the radishes having been matured and gathered and the ground replanted in beans, (8) an onion bed, the onions having been matured and gathered, excepting one which was left for seed. No two of the individual gardens were exactly alike. I found several individual gardens that

were both flower gardens and vegetable gardens. One of them contained the following: (1) nasturtiums in bloom, (2) phlox in bloom, (3) California poppies, (4) zinnia, (5) aster, (6) Cosmos, (7) Chinese pink, (8) gladiolus, (9) onions, (10) beets, (11) radishes, (12) a lettuce bed, (13) tomato vines beginning to bear. The children work in this garden from one to three periods a week. This follows instruction in a classroom or lecture room and experiments in the laboratories. But time permits the mention of only these few items as illustrations.

By use of agriculture we hope not only to further enrich the curriculum but to strengthen it as a whole and bring its elements into a unity.

Through rational use of all elemental subjects we hope to appeal to the apperception masses in the minds of all children and bring more of the curriculum within the comprehension of the children.

We do not seek to make any work easier but to make all work more enjoyable. We do not seek or hope to teach all things to all children. We do not desire to produce greater homogeneity but rather to bring about greater heterogeneity through that wholesome differentiation which comes from offering food for all types of mind.

The child is born a worker. He loves work till school and home make him an idler. We here offer another powerful stimulus to work, invigorating work that makes play worth playing and life worth living.

DISCUSSION

PROF. L. H. BAILEY, CORNELL UNIVERSITY

Stenographer's abstract

I have jotted down, as these gentlemen were speaking, some of the important points which I wish to mention without direct comment and then possibly to make a few comments of my own.

It seems to me that we are most fortunate to have these three strong papers. They represent the forward spirit of the great interior West. They are full of energy, effort and hope. They warn us. They also represent three distinct points of view, but all are complementary and look towards better teaching for our great rural population.

Professor Henry has dwelt upon the commercial position of agriculture and country life; the great problem of transportation; the emigration of our people from the East to the West; taxation; and

other large economic questions. He has presented some remarkable and telling examples of what Denmark is doing in respect to agricultural training. If he had time I presume he would have said something about the remarkable organization of agricultural and allied institutions in Ireland as represented in the work of Horace Plunkett. Scientific agriculture is scarcely yet begun. I judge from Professor Henry's views that we have been simply exploiting the soil. Scientific agriculture does not develop until such time as new lands are not to be taken up. He spoke of the great advantage of cooperation in agriculture, also of the very interesting experiments now being made by the railroads in the middle West, especially in the corn belt states, of the endeavor to develop the agricultural institutions in these states, and of the fact that the railroads of the West are chiefly interested in developing their contiguous territory.

It may interest you to know that 85% of the taxes of New York State are paid by Greater New York and Erie county and that the rural interior of New York State is yet undeveloped. He also compared the phenomenal development of western agriculture with the decline (as shown by the census reports) of New York agriculture. The gist of this able address is an appeal to the people of New York to realize their position and to set about it at once to regenerate the State and hold the place that by natural advantage belongs to it. This can be done only by a liberal support of education in the interest of agriculture.

Professor Hays took a somewhat different point of view; spoke more directly of the secondary schools; emphasized the fact that the agricultural population is coming now to be somewhat settled; that the custom of leasing farms is becoming more general than in the past. You can not send the city problem to the country to be worked out there. The city must work out its own problems, even as the country must work out its problems, each, of course, aiding the other. He also placed great emphasis upon the idea that the home should receive more attention; spoke of agricultural and high school consolidation; also, spoke of the importance of having more and larger plans for agriculture and for country life. He alluded to the plans for the army and navy as illustrating great plans. Why should we not have great plans for agriculture? I was especially struck with his phrase "education for country life." This connotes that our present education is chiefly for city life. His paper challenges all our customary points of view.

The last paper was that of a schoolman who is working out this rural problem for himself in a practical and direct way and

at the outset challenging the curriculum; makes education vital rather than verbal, and challenges also the division of education into two great categories of culture and utility. This new work is for both culture and utility. I was impressed with his illustration of the plants which were on the platform in his school, that they were not purchased but that they were grown by the pupils themselves and therefore represented the result of educational effort. I was impressed also with the means by which he introduced agriculture; that is, he introduced it. In introducing agriculture into the schools the teacher must know the subject-matter. He also said that in the West there is no schism. They do not rely too much on textbooks; mentioned the fact that some schools are still backward and are using Bailey's *Principles of Agriculture*. He spoke also of the normal schools of the West and said that the education is not that of a physician dispensing pedagogic capsules; that there is coming into the schools of the middle West a new point of view in regard to subject-matter, but that he does not expect perfection at once. Other subjects have been put in pedagogic form through a long series of years; constituents are rising to support this education and I infer therefrom that the education is satisfying the constituents. Schools must be well supplied with materials and equipment and the curriculum must be organized to meet growing conditions. In these schools there is a laboratory, which is the school garden, maintained not primarily for teaching gardening but for developing power. I think the general thesis of his paper is that agricultural work results in the development of individuality in the pupil.

There are some few comments which I wish to make on the discussion which you have already heard. The need of introducing agriculture is apparent. The test of education is literacy. This I think is a wrong test. The real test of education is efficiency, and measured by this test one third of our people are uneducated.

One reason why farmers follow the ways of their fathers is that they have no other ways presented to them in the schools. The schools have no intelligent relations with the conditions under which these persons live and only something from the colleges filters out to the mass of the people. The colleges are training a few and teaching them distinctively agricultural science and also good agricultural practice, but they can not do the entire work. There is an enormous demand for extension work. This shows the insufficiency of the schools to do the work by themselves.

We need a better system of agriculture in New York State. About 35% of all the persons in this country are on farms. In New York we have only about one person in seven or eight on the farms, which means that we have not an agricultural sentiment developed in this State to the extent to which transportation and business sentiments are developed. It is more difficult therefore to establish agricultural education in the old East than it is in the new West. Probably more than one third of the area of New York State is really undeveloped. There is included in this a large body of woodland, a large part of which is unproductive. The amount of land that we till is relatively small. The average revenue per acre is fairly high in New York State, but it might be much higher.

It was once my privilege to see commencement exercises in Tuskegee Institute. The young men had no set speeches to make. The young men and the young women told us what they had done and learned in the school. One of them spoke of the advantage of rotation in farming. He had a large tray, perhaps 10 feet square, representing a farm, with a certain number of acres in each of several squares or boxes, one box representing corn, another cotton, another cowpeas etc.; and according to the rotation he would change the boxes. In the boxes he had plants which he had raised himself in order to illustrate to his hearers the importance of rotation and some of the cardinal principles involved. I was ashamed of some of the commencements in northern colleges and universities with their discussions of abstract, irrelevant and academic questions.

Agriculture represents a large line of economic and social questions. It presents an unorganized and unsyndicated effort as distinguished from the organized and syndicated effort of the cities. If the farmer opposes the manufacturer, he opposes immense capital. If he hires outside of farm labor, he hires organized labor. The farmer is confronted on both sides by fixed earnings and he himself takes what may be left from the result of his toil.

Agriculture is in a state of arrested development. The subject must be considered in our schools. It is the only occupation which completely conserves the autonomy of the individual and practically the only one which is really a nature occupation.

We often think that American agriculture is very efficient. We have great wealth, new soil, and an energetic people; but as measured by the productiveness of individual acres we are not the leading agricultural people. Other peoples have attached some agricultural problems better than we. There is a survey going on in Prussia. It has been under way for a number of years and

I suppose will be continued for many years to come. I shall read a brief sketch of it:

In combination, that is, using geological and soil maps and records of production, there is a basis for the economic valuation of soils or lands for purposes of taxation, and this feature has been thoroughly developed in Prussia where the results are now being issued in a series of extremely valuable detailed maps. This however has required the cooperation of farmers. For its work the Prussian Commission consisted of 2414 persons; 2050 of these were farmers, the others government officials. The system involved, in addition to complete classification of soils, the selection of model or standard areas in each class and district as bases for future comparisons. The main general problem was to determine the average net yield of each farm or area, and to coordinate this material and similar areas as a basis for further classification. Eight classes of soils with from one to seven types in each were recognized with a total of 30 types. The value of this survey is only now beginning to be recognized by the more advanced farmers and serves as a basis of comparison of methods and results in similar areas and under similar conditions upon which to base a system of taxation for social and economic betterment.

This is a type of work that we have not yet undertaken.

In one part of New York, the rate of taxation per dollar for rural school moneys, for the villages, is about $10\frac{1}{2}$ mills; for the rural schools, $4\frac{1}{2}$ mills. Is there any reason why the farmer should not pay as high a rate on the dollar for school purposes as the town man? Is there any reason why the State should maintain agricultural education when it does not maintain other kinds of special education? The government has long supported agricultural education of college grade. This is an admission that the farmer suffers an undue commercial disadvantage in the community, and unconsciously the commonwealth and the government try to make it up to him in this way.

The overcrowding of schools has been mentioned as a very serious handicap. If you will read the reports of the committee of the National Education Association on industrial education you will find this question discussed from many points of view. In the first place, the inefficiency of rural schools is not due to too many subjects, but to other causes. Teachers do not receive pay enough. Schools are not properly equipped. Nobody is specifically at fault. It is a case of arrested development. The common schools are the product of the high schools. This seems to be a reversal of the process of evolution, but not really so, because these higher schools develop leadership and leaders.

In some way the farmer must be reached. We have for a generation been attempting it and we shall not remit our efforts in that direction, because the economic and commercial position of the farm is fundamental to our institutions. We must begin to consider the farm home as one of the important units in our national welfare. The farm home is coordinate with the farm itself. We have been giving our efforts to increasing the productiveness of the land. We must now give our efforts also to developing higher ideals and better efficiency in the home. I am not speaking merely of domestic science, as that term is popularly understood, but also of the relation of the farm home to childhood, education, schools, the church, to society. I like to call this subject home economics. We must introduce these subjects into some of our schools. They will come gradually, and we shall make mistakes as we made them in all other kinds of education. If we are to lead all the people we must have a greater variety of subjects; we must have subjects that appeal to the people and that promise to better their lives. These subjects must be made a means of training in scholarship at the same time that they train to commercial and industrial efficiency. But this whole matter is beyond the need of special pleading. That time has gone by. It is now a question of method. As Professor Kirk has said, the way to introduce agriculture into the schools is to introduce it.

Chairman Beach—I am sure I express the general sentiment of the convocation that we are under great obligations to the speakers who have entertained and instructed us. We are under a debt of gratitude to them that no words or resolution can express. We are under obligations, too, to the Convocation Council who planned so wisely the proceedings and the program on this occasion. I am sure you will agree with me in saying that Convocation this year has been very instructive and interesting and a success, and I now declare the 43d Convocation of the University of the State of New York closed.

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Department Bulletin

No. 4

44th UNIVERSITY CONVOCATION

OF THE

STATE OF NEW YORK, OCTOBER 25-27,
1906

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NEW YORK STATE EDUCATION DEPARTMENT

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STATE OF NEW YORK
EDUCATION DEPARTMENT

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With years when terms expire

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1908	DANIEL BEACH Ph.D. LL.D.	- - - - -		Watkins
1914	PLINY T. SEXTON LL.B. LL.D.	- - - - -		Palmyra
1912	T. GUILFORD SMITH M.A. C.E. LL.D.	- - - - -		Buffalo
1918	WILLIAM NOTTINGHAM M.A. Ph.D. LL.D.	- - - - -		Syracuse
1910	CHARLES A. GARDINER Ph.D. L.H.D. LL.D. D.C.L.			New York
1915	ALBERT VANDER VEER M.A. M.D. Ph.D. LL.D.	- - - - -		Albany
1911	EDWARD LAUTERBACH M.A. LL.D.	- - - - -		New York
1909	EUGENE A. PHILBIN LL.B. LL.D.	- - - - -		New York
1916	LUCIAN L. SHEDDEN LL.B.	- - - - -		Plattsburg

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Department Bulletin

No. 4

44th UNIVERSITY CONVOCATION

OF THE

STATE OF NEW YORK, OCTOBER 25-27, 1906

PLAN OF THE CONVOCATION OF 1906

In the plan of the University Convocation for 1906 it was determined to follow the precedent successfully established in 1905, and give the entire time of the meeting to the consideration of one general subject. This subject for 1906 related to *The Practical Administration of School Affairs in this State*. There have been two full school years since the unification law went into effect, and the reorganization then made of the educational machinery of the State has been given a fair practical test. There are many important subjects to be considered in the light of this experience, and a frank discussion of policies and methods with the view of correcting existing defects was invited.

It was desired that the formal papers be followed by thorough discussion. Many of the leading educators of the State were asked to participate, but there was no preferment on the program and all were invited to give their aid, in the hope of securing practical suggestions for the use of the Department and of the schools and colleges.

The attendance at the Convocation was by far the largest of recent years and amply justified the decision of the Regents to change the time of meeting to the autumn. The interest was greater, the members were not wearied by the pressure of the closing duties of a school year, no one was hurrying to a vacation, and the weather was ideal. The total number registered at the meeting was 384, and the number of trunk line certificates issued was 134. At every session the Senate chamber was crowded, the attendance of teachers residing within a radius of 25 miles being large, and the papers and discussions were of a remarkably high degree of excellence. The plan of holding the Convocation during the last week of October will be continued.

SUMMARY OF SESSIONS

Thursday afternoon, October 25

3 p. m. Informal gathering at headquarters (The Ten Eyck)

4 p. m. Executive session of Convocation council at the Department of Education

Thursday evening, October 25, Senate Chamber

7.30 p. m. Registration

8 p. m. Announcements

Dean JAMES E. RUSSELL, for Convocation council

Prayer

Rt. Rev. WILLIAM CROSWELL DOANE D.D., Bishop of Albany

8.15 p. m. Chancellor's address

Regent ST CLAIR MCKELWAY M.A. L.H.D. LL.D. D.C.L. Vice Chancellor

Address: A National View of Education

Hon. ELMER E. BROWN Ph.D., United States Commissioner of Education

Informal reception in the State Library at close of addresses

All members of the convocation and guests were cordially invited to meet the Regents of the University and the Commissioner of Education.

Friday morning, October 26, Senate chamber

9 a. m. Registration

9.30 a. m. Announcements

Dean JAMES E. RUSSELL, for Convocation council.

Address: The State and its Colleges: What They can do for Each Other

GEORGE E. MERRILL LL.D., President of Colgate University

Address: Academic Examinations and Academic Funds

Hon. ANDREW S. DRAPER LL.B. LL.D., Commissioner of Education

Discussion of same topic

11.30 a. m.

Informal discussion in Senate library: Schoolroom Decoration

Led by W. R. EASTMAN, Chief, Division of Educational Extension

Friday afternoon, October 26, Senate chamber, 3 p. m.

Report of committee on necrology

Report of committee on nominations

Address: The Normal School: its Mission and its Handicap

GEORGE K. HAWKINS M.A. D.Sc., Principal of the Plattsburg
Normal School

Address: Problems of Educational Administration

NICHOLAS MURRAY BUTLER LL.D., President of Columbia
University

Address: Cooperative Forces in Education

Rt. Rev. Monsignor M. J. LAVELLE V.G., New York

Friday evening, October 26, 7-30 p. m.

The members of the Convocation joined with the members of the Hudson River Schoolmasters' Club in a dinner at the Hotel Ten Eyck. The entire membership of the Convocation was welcomed to the after-dinner speaking which began at 9.30 p. m. The principal speakers were Dr S. Parks Cadman of Brooklyn, Pres. Nicholas Murray Butler of Columbia University and Prin. William L. Felter of the Brooklyn Girls High School.

Saturday morning, October 27, Senate chamber, 9 a. m.**Announcements**

Dean JAMES E. RUSSELL, for Convocation council

Address: The Commercial Program in Secondary Education

JAMES J. SHEPPARD, Principal of the High School of Commerce, New York city

Address: The Relation of Industrial Exercises to other Educational Factors

CHARLES D. LARKINS, Principal of the Manual Training High School, New York city

Address: High School Organization and the Individual Student

MILTON J. FLETCHER, Principal of the Jamestown High School and President of the Associated Academic Principals of the State of New York

APPOINTMENTS

The Convocation council, acting as a committee on nominations, report the following recommendations to fill the vacancies on the various University councils for the year 1906-7.

Convocation council

Prof. W. H. Squires, Hamilton College, term to expire in 1911
Prin. John H. Denbigh, New York city, to fill the unexpired term
of Prin. Howard Conant, removed from the State

College council

Brother Edward, Manhattan College, New York city, term to
expire in 1911

Academic council

Sup't S. J. Slawson, Olean, N. Y., term to expire in 1911
Prin. W. H. Lynch, Amsterdam, N. Y., to fill the unexpired term
of Prin. A. W. Abrams, resigned

Library council

W. H. Austen, Cornell University, term to expire in 1911

Medical council

Dr R. J. Park, Buffalo University, term to expire in 1911
Dr Samuel W. Lambert, Columbia University, to fill vacancy—
term to expire in 1908

The report was unanimously approved and the Vice Chancellor
stated that the recommendations would be submitted to the Board
of Regents for action at their next meeting.

ADDRESSES, PAPERS AND DISCUSSIONS

Senate chamber, Thursday evening, October 25

Vice Chancellor ST CLAIR MCKELWAY presiding

PRAYER

RT. REV. WILLIAM CROSWELL DOANE D.D., BISHOP OF ALBANY

O, God, Who art the Author of wisdom and counsel, and Who by Thy Holy Spirit doth guide and move the thoughts and intents of men, we beseech Thee to bless Thy servants gathered here to further the work of forming and training the character of the men and women to come. Fill their minds with the wisdom that comes from above; make them diligent to acquire learning; impress them with the dignity and responsibility and the exceeding great reward of those who are to be teachers, and give them the power to turn many to righteousness.

We beseech Thee to give to the pupils in our schools the spirit of obedience and docility, that they may be fitted for their place in society and the church. Look with favor upon this commonwealth, and especially upon the Department of Education that it may be administered with the single purpose of making us better citizens and more faithful to Christ and Thee. For Jesus Christ's sake we ask it, amen.

CHANCELLOR'S ADDRESS

VICE CHANCELLOR ST CLAIR MCKELWAY

My friends, the change in our time of meeting will be the first thought in your minds. The Convocation council made that change thoughtfully. That council comprises representatives of great educational interests in relation with the State. The change of date was reached deliberately. Our midsummer meetings, the memory of many of which is fragrant and inspiring, coincided with other educational occasions which made attendance upon Convocation difficult, and which rendered the presence of not a few eminent educators impossible. Our numbers even at midsummer were rarely small, but the difficulty many had in coming to us was sometimes extreme.

The change of date is, of course, an experiment. The result of this meeting may vindicate the experiment, and we all hope it will. There are no vacations immediately confronting us. Between now and the national holiday, soon to occur, is enough time for us to

deliberate here and depart without a sense of haste to our places of abode. To be sure, an election of significant strenuosity is at hand, but the issues and the candidates to come to judgment at the polls are well known to the people and bear no relation whatever to the work in which we are engaged. Neither the conduct of the State Department of Education, nor the record of the Board of Regents, nor the condition of our school system, nor the organization of our State Department enters into any platforms or nominations now challenging discussion and nearing decision at the hands of voters. We have no right to apprehend any consequences whatever to our educational system from any result at the polls in this commonwealth in November next, and we certainly have no reason to suppose that any issues or candidates then to be passed on will engage our attention as a convocation during the present meeting.

The reorganization and the consolidation of our State educational system can now be said to have enough history behind it to justify congratulations and confidence. Where there were two boards, there is now but one. Where there were two systems, there is now a consolidated system. Where there was conflict, there is now concord, and where there was friction, or war, is now peace.

Advantages can be suggested larger than these. The State has unified its educational system. From the kindergarten all the way through the university the line is straight, plain and strong. The scheme which the parent has in view for the child from when it lisps in numbers to when, again gowned, it marches to graduation, is the scheme which the State has at last enacted. One might think that this simplicity and progressiveness would have been provided at the start. Such, however, was not the case. Education came to the people from the top to the foundation, from the summit to the plain. That was because the original scheme of education contemplated a chosen few, rather than the people as a whole. University education is a thousand years older than common school education. But common school education is now the chief solicitude, at least of all enlightened republics, and the provision of it is the bulwark and the glory of the constitutions of all free nations. The first lien on all taxation is held by our common school system. That system is broad enough in many of our states to comprehend the education of the child from the beginning to the end of his scholastic life. I have no objection to the State of New York making its system as broad, as long and as thorough as that. I can conceive of no department of instruction, saving theology, which any new state could not well take in charge, and to which any older state, such as New York, could not safely adjust its educational economy.

Some of this work of assumption and absorption by our own State must be left to the generations that will succeed our own. We can, however, wisely be more hospitable than hostile to the proposition. We may not expedite it, but we can anticipate it. We would not antagonize private foundations, but we can look forward to the provision of State foundations as broad as those laid in younger commonwealths and we can confidently expect not a few private foundations, of which the conductors are embarrassed and in debt, willingly to seek State absorption in the years to come. This would do no violence to specialism or to private initiative. The State is so strong that it can tax all private wealth at will and so "rich" that private wealth can provide nothing for its representatives or their children which the State can not itself provide for the people as a whole. The free school, the free academy, the free college, the latter in parts of our commonwealth, we already have. The free university, with a full complement of professional schools, younger states have and have long had, and this State will eventually have beyond doubt. We may not live to see it, but none of us can live long enough to prevent it and not a few of us, I hope, will live long enough heartily to welcome it.

The trend of our State toward professional education is a surety and prophecy of this. We allow private institutions to prepare for us law students, but only by State examiners and by State courts can they be admitted to the bar. We allow private institutions to send up to us students in dentistry, in pharmacy, in accountancy, and what not. But only by examinations under State auspices can they be licensed for the practice of their callings. Students of medicine and surgery are similarly educated under private auspices or under chartered institutions allowed by the State, but the medical boards, before which they must finally appear, and by which alone they can be qualified to practise, are provided by State law through our State Board of Regents, as you all well know. All this final State action is a moral justification and a logical prophecy of State initiative in every one of these fields.

When I first became a member of the Board of Regents, none of these powers and duties sustained any relation to that Board or that Board to them. The progressive course which the State pursued brought all these professions under State control in the ultimate and in that fact is the warrant that the State will provide the power to affect these professions at the initiative. The State will be in no hurry. Time and gravitation will take care of the matter. Both can be trusted to assure their work and those of us who may

indicate or justify our temperament and our conviction, whether by protest or by support, can neither quicken nor stay the forces which in events are as inherent and as indicative as character in the man or in the State.

I think that our present State system of education which unifies forces, which simplifies mechanism, which harmonizes interests and which articulates the Education Department with all the life of all the people and with all the aspirations of all the people, making that Department as democratic and as representative as the people are themselves, has been vindicated by the peaceful and progressive results which it has accomplished, or with which it has concurred, and will be so vindicated for as long as our government shall endure among men.

A NATIONAL-VIEW OF EDUCATION

HON. ELMER ELLSWORTH BROWN PH.D., UNITED STATES COMMISSIONER
OF EDUCATION

This country of ours, as you have been told over and over again, is welcoming every year great numbers of foreigners to its citizenship. It is sending out, as it were, to all the nations of the earth, and inviting the peoples of the earth to become our people; and it is making over these peoples of the earth into Americans.

It was Henry Ward Beecher who, in speaking of this great influx of foreigners, made the famous remark that "When a lion eats an ox, the ox becomes lion; the lion does not become ox." He went on to say that we would make over these peoples of the earth into Americans—they will not make us into foreigners; and that the stomach in which we shall digest them is the American public school!

Do you know that some of the most interesting places in our great cities on the Atlantic seaboard that can be visited at the present time, are the places that serve as that kind of stomach for the digestion of the peoples of Europe? I had, a few months ago, the pleasure of visiting one of these institutions in the north end of Boston. On that trip I had the delightful companionship of George H. Martin, now Secretary of the Board of Education of Massachusetts, and of Miss Arnold of Simmons College. As we went to look for one of those remote schools in the wilds of the north end of Boston, they told me various things about the Boston that is, in comparison with the Boston that was. The friend of one of my friends remarked that she had ceased to be interested in those who came

over in the Mayflower and was now interested in those who came over last week in the steerage of the Scythia. We found those who came over last week and those who came over yesterday in the steerage of the Scythia or of some other of those great trans-Atlantic vessels, and we found them making over into American citizens. For me the whole process took on a new meaning. The education of our own ordinary boys and girls took on a new meaning when I saw education thus brought down to hardpan, as it were, in doing the very elemental business of the school. I wish I could tell you clearly the way it was done. We were in a school for girls, and we were taken into a room where a pleasant faced teacher, herself an immigrant of some years before but now a thorough American citizen, had gathered around a table a number of those little girls who had just come over, and was trying to make them understand some things American. They were learning the American language and some of the most essential things that may be told in that language. They had the kitchen utensils which would be used by American housekeepers, and were learning their names and how to use them and how to talk about the use of them. They were learning to be clean, and that is an Americanism which was new to many of them. They were learning other Americanisms, such as "thank you," and "if you please."

We went on from room to room and saw how these children were, little by little, picking up our language and being initiated into the mysteries of American life. This was one of the schools where they had introduced public baths, and we went to see that institution, the institution that makes clean Americans. I saw a class on its way to the baths and I saw that same class a little later on its way from the baths, and they had learned another Americanism which is represented by the famous American label, "Before taking and after taking." They had learned it in a most satisfactory way.

We went up afterward into the eighth or ninth grade where the little women, as they were then, were gathered around a fine American matron who was teaching them to be that finest thing on earth, an American woman. One thing after another showed, to one who is used to visiting schools, how that woman was little by little working into the minds of these children the ideals, the ambitions, and the aspirations of American womanhood. We could *see* very little of it; we could *feel* a great deal of it. Then, after a while that company of girls set about repeating in unison the first lines of *Evangeline*. There were Russian Jews (one of the best girls in the class was a Russian who had come over only three or four years

before), there were Italians, Hungarians, Poles, and Scandinavians. They had become, all of them, American citizens, and as I listened to their rendering of the familiar lines, I thought as I still think that I had never heard it, and never shall hear it, better recited than it was recited by those new Americans. "This is the forest primeval": The crowded city about them was little like the forest primeval, but the lines meant in some measure to them the things that America means.

A little while ago I had the pleasure of visiting, through the courtesy of Superintendent Maxwell, some schools of a similar character on the East side of New York, and there found the same things going on; and not only on the East side, but over on the West side, too, in the lower parts of the city.

I found there a room in which were some of the essentials of American life, and among them a basin of water and a piece of American soap. Everything was labeled. The word "wall" was on the wall, and "window" on the window. The children were learning the names of things. Their first lesson was to go to that basin and wash their hands. I saw it done and it was done thoroughly. They even washed well up on the wrists. And they explained what they did in American speech: "I dip my hands in the water"; "I rub soap on my hands"; "I rub my hands together." It was all well done, and when at last those little hands were dried, another Sicilian had taken another step in the language of this nation, and another step in the practice of American cleanliness.

In that school is the trained nurse, one of the fine auxiliaries of the city school of the present day. She did not stop with the work she found in the school, but when she found that certain tenements were the homes of a great number of the absentees from the school she went to those tenements and helped the mothers learn how to prevent much of the illness of their children, by care and cleanliness. Some of these New York schools, too, are provided with baths. And in New York, I am told, the same trouble was encountered as in Boston—the unwillingness of the mothers at the beginning to have their children take the baths, because they had sewed them into their clothes for the winter, and did not want the trouble of taking them out again. Yet through all these difficulties, in spite of mobs that have surrounded the schools when the attempt has been made to improve the health of pupils by slight and sorely needed surgical operations, by methods differing with different nationalities, Polish, Hebrew, Italian of many provinces, these people are gradually Americanized.

So we are taking the nations of the earth into our fellowship. And what is it that we are inviting them to? We will say, readily enough, that we are inviting them to democracy; but do we understand that the great lesson for the American people, the lesson which will take not years, but generations, maybe centuries yet, to learn, even though our great, great grandfathers were Americans, the lesson for the American people, native here and foreign born, is to know the meaning of democracy. To know what our democracy means—that is the one great lesson for the whole American people. Now, I shall not attempt very much of a forecast of the ultimate determination of that lesson tonight, but I wish to call attention to this one fact—a fact that I think sometimes is forgotten—that if people understand one another they will be well disposed one to another, and to understand the meaning of democracy is really to understand the minds of our fellow men. And I think we may begin to define democracy in some such form as this: *Democracy is that state of society in which every man really cares to understand all of his fellow men.* When every man really cares to understand his fellow men, then we may hope that men will strike hands together fearlessly and work together for the common good. For so I firmly believe; and the more I become a democrat the more firmly do I believe, that if we do understand one another we shall be well disposed one to another, and be able to pull together heartily.

So, in speaking of education from a national point of view, the idea that I would like to present tonight is simply this, that the business of American education is to enable people in this country to understand one another. We see how this works out in some of the actual programs of our schools. We see that in the teaching of history we are trying to understand those common traditions, to know those great names, that make the common meeting ground for all of our people, and, understanding our history, we are able to understand all sections of our country at this present time. So in the teaching of our American literature, we are trying in all parts of the country to become familiar, in its best setting, with that sentiment which is peculiarly American, with those aspirations, those ideals, that are American. Thus nurtured, the feelings of our people must gradually blend into one national life. And so geography, which in recent years—I suppose this is heresy here—has become too exclusively physical geography, geography, too, if it is well taught, becomes a human study. It is a study in which, learning about the different sections of our own country, we learn to under-

stand them as varied aspects of one national human life. We come to understand the different aims, the different works, the different influences upon the hearts of men, in all parts of this one wide land. From history, from literature, from geography, from manual training, too, we come into sympathy with all kinds of human toil and endeavor. We are trying — all parts and all classes of this American people are trying — to understand all other sections and all other classes; and it is education to keep at it and keep at it, through all sorts of delay and discouragement, making it the business of our schools to see that our people understand one another, and so become in reality a democracy.

The old idea of the savage was that if he could kill his adversary the strength and courage of that adversary would pass into himself and he would become, accordingly, a greater man. When he had killed one adversary he became, in effect, two men; if he could kill two adversaries he became as three men, and so he went on gaining by the courage and strength of those whom he destroyed. The higher view, that seeks an understanding of our fellow men, persuades us that every man whom we understand has thereby added his stature to our own. We have the joy of spiritual enlargement when we come to understand a man whom we have never understood before. There is something fine and uplifting in the thought of it.

In the strife of modern parties we are too often, perhaps, actuated by a purpose like that of the savage who proposed simply to destroy, in order that he might have the strength of the one whom he destroyed. There is a time for strife in our civilization, and it is only a coward who will run away from strife when the time for it is come. But in a large part of our civilized relationships that strife resolves itself into something better than strife. I think we have seen in some of the best of our deliberative bodies in recent years a process somewhat like this: Two sides come into direct opposition over some bill. At first it is simply a fight, that one side may win and the other side be defeated. But as civilized men, they stop and think, even while they dispute. Little by little the one side modifies its views. It finds some flaws in its own proposal and some good in the argument of the opposing side. Again, the opposition modifies its stand; and after a time a piece of legislation emerges which is better than was proposed by the one side in the first place and vastly better than the flat negation of the other side. Both have risen to a higher view in the very course of their strife. They

have come to be more interested in a piece of needed legislation than in simply gaining a partizan victory. I am free to say that instances of this sort are rare enough even now, but I think we have seen more than one in our national legislation of the past two or three years, and I believe they mark the trend of civilized life. There is a growing conviction that it is worth while to understand even the men who are opposed to us. Here, I think, we find a great, commanding purpose of democratic, American education — to lead men to care to understand the thoughts of the other side.

This land of ours is welcoming the nations of the earth into its membership. It is doing more than that. It is going out to meet the nations of the earth. The national view of education becomes, of necessity, for Americans an international view. Our liberty is for the enlightenment of the world. That we may understand one another is not enough; we must seek to understand the nations of the world. In understanding other nations we shall add their greatness to our own. We shall add their civilization to the stature of our civilization; we shall advance our own ideals when we view them from the side of those who differ with us, as well as from inherited standpoints of our own.

American education, then, while it is in full measure a national education, a democratic education, an education for the understanding of one another here at home, should be an education in which Americans show that they care to understand the other nations of the earth. Here we have a kind of international democracy. See how it comes into our courses of study; how it has done so all through the ages, in some degree. We study the geography of the world (if we are not studying a purely physical geography) in order that we may know, in their home surroundings, the other nations of the earth. We study their occupations, which have much to do with making them what they are. That one little book, the *Seven Little Sisters*, has helped to introduce into our schools, away down in the grades, the spirit of international sympathy. We study the history of the world in order that we may know the common heritage of all the nations and find the common meeting ground of the sentiments of the peoples of the earth. We study the languages of other nations; but so far as modern languages are concerned, we may confess that we have not done it very successfully.

In the higher schools, the past history of education has largely turned upon the question of the study of ancient languages. The stock argument for the study of those languages has, I think, been too generally linguistic. We really study the ancient literatures, if

we make them thoroughly educational, in order that we may understand certain great peoples of the earth, who have reached down from ancient times to our time a mighty influence that moves the minds of men today. We study the Hebrew scriptures in order that we may understand the religious life of that ancient people. We study Greek and Latin literature that we may add to our life something of the greatness of Greek and Roman life. Through a large part of our educational history we have carried on the study of Christian antiquity and pagan antiquity, side by side. All through the centuries, since the early Christian ages, the attempt has been made to explain the relations of these two lines of study. They have been inadequately explained, but they have gone on in the schools, side by side, and we have a better civilization for the fact that, although in a halting way, we have tried, really tried, to understand the mind of the great nations of the ancient world.

At the present day we study, in our higher schools, the languages of the modern world. Our visitors from Europe who come to us from time to time and return to make their reports on our educational conditions to their home governments, tell how badly we do it. The latest report of this kind has not yet reached the American public, but a summary of it will be put forth in the next few weeks. It is a report issued by a commission from the Prussian Ministry of Commerce and Industry who visited this country in 1904 to see how our education was carried on. A most interesting story they have to tell. They criticize in strong terms what they call the pseudo-classicism of our education, illustrated by the motto over a section of the Philippine exhibit at the St Louis Exposition, which read: *Per pacem ad libertas*. And they report that German, in the schools which they visited, was taught very badly indeed. I suppose there is no doubt that we are teaching the languages of the modern world in a very inadequate way. We need to improve that teaching on the linguistic side; but we are never going to get the good out of it, the educational value which it has to offer, until we make it a means of understanding the peoples of this day in which we live.

It is the peculiar province of elementary education to teach nationalism, to teach the national view. It is the province of secondary and higher education to teach the international view. That, at least, has been the case in large measure in the past. We see now that both elementary education and higher education, if it is to be national education in the full sense of the word, must lead to an understanding of our own people and an understanding of other peoples as well, and that even in the teaching of our intermedi-

ate grades we shall not fully convey the lessons of our own nationality unless we present them somewhat in the setting of the larger view. To be good Americans we must be citizens of the world. To understand other nations is to help our own nation to be a world power that makes for righteousness.

There are three great ways in which we are going forth to the nations of the earth: We are going forth to them through our missionaries; we are going forth to them through our agents of commerce; we are going forth to them through our diplomacy. From all of these points of view it is desirable that we understand the other nations of the world better than we understand them now. It is well for us to admit that we do not understand them very well as yet. Our missionaries need to understand and appreciate the feelings, the morals, the religions of the peoples to whom they go. This need is emphasized in some of the best of recent missionary literature. Those who represent us in commerce abroad need to understand the races with whom they deal, and not treat them simply as peoples to be exploited, or to be ground under the heel. This is simply to say that they need to take the far view of commercial advantage and not alone the near view, for to understand the people with whom we deal is to profit more in the long run by our dealings. And if the missionary and the trader will, both of them, care to understand the people to whom they go, there is better hope that they shall not work at cross-purposes and spread misunderstanding of the land they represent.

And what of our diplomatic relations with the nations of the earth? Our Department of State should have behind it, among our people of every class and every geographical division, an ingrained, national purpose to understand the peoples and nations with whom this nation has to do. Our American diplomacy should rest securely on an American sentiment that cares to understand the peoples of the earth and regards no people as wholly foreign and beyond the pale. Such an understanding makes for peace, and we, of all nations, should seek for peace. If we understand the nations of the earth we shall, with rare exceptions which are to be more rare, maintain with them relations of peace and mutual advantage. War has its place. The time has not yet come to do away with preparations for war. But war has now a place only as making toward the peace that counts for righteousness. And we may hope that by steady working forward along the lines of such diplomacy as we have known in recent years — the diplomacy of John Hay in China, the diplomacy of Elihu Root in South America, the diplomacy of

President Roosevelt in the affairs of Russia and Japan and in the affairs of Cuba — by such diplomacy as this we shall move toward that end so greatly to be desired, when

The war drum throbs no longer, and the battle flags are furled
In the parliament of man, the federation of the world.

It is a large question that I have asked you to consider, a question that seems remote from the daily work of the schools. But it is not remote from the work of the schools; for unless every little school in the land shall make for that kind of humanism which is real democracy, these great purposes of our national life and of our international relations will not be possible of attainment. With ever new significance our ministers of religion are to go on proclaiming from their pulpits the great, eternal doctrine of the fatherhood of God; and we who teach in our little schools or in our greater schools — it is for us to go on teaching the other half of that great eternal truth, the brotherhood of man.

Friday morning, October 26

THE STATE AND ITS COLLEGES: WHAT THEY CAN DO FOR EACH OTHER

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Reducing certain suggestions of the Education Department to their lowest terms, I thus formulate the topic to which I am invited to speak. It is broad enough. Indeed, to quote a passage of the New Testament about the heavenly Jerusalem, "The length and the breadth and the height of it are equal." I propose to treat it forwards and backwards, as the mariner can box his compass. I shall ask, first, what are a few of the ways in which the State can help to simplify, unify and strengthen the work of the colleges; and, second, what the colleges and universities can do in giving assistance to the State in these and other matters. If in traversing this often traversed subject it may be found difficult to avoid the trite and commonplace, repetition may at least give emphasis. I have a friend who finds it difficult to make the natives of foreign countries understand him, when he is traveling within their borders. It seems to him that they must have some defect in their hearing. So he speaks louder and louder, and finally shouts his sentence at them. Generally it results in their doing something, even if it is not quite what he desired. The process may not be wholly useless even when we speak the same language and dwell in such intimate fellowship as marks our educational life in America.

Moreover, with every passing year all such considerations become of larger importance, and, as we make progress, of varied character. As new occasions come they teach new duties, and in our swiftly moving times the new occasions appear often enough. Do we realize what a single generation has experienced in the changes of education in the State of New York? I can do nothing further than give the comparative figures of attendance upon the public schools and in the colleges, leaving out altogether the vast advances made in subjects, method and expenditure. The mere number of students now as compared with the number 30 years ago will be significant of the growing importance to the State of the agencies at work to return so many young men and women to her service with an adequate mental and moral equipment. In 1875 there were 3191 students in the undergraduate departments of the colleges in the State of New York. In 1904-5 the number was 8246, or 2.58 times as many. In 1875 the population of the State was 4,382,759, and in 1900 it was 7,268,894, or 1.66 times as many. In the public schools in the same period 1,059,238 pupils have grown to 1,242,416 in the year 1901, or a growth of only one sixth. That the large proportional growth in sentiment for the higher education is also very general is shown by the fact that it appears in nearly all colleges and apparently is independent of mere environment. The city college, drawing a large portion of its students from the city itself shows as large a gain as the college drawing from much wider areas. The college in the country with no large population around it shows similar growth, sometimes in defiance of an actual falling off in the surrounding population, as in the case of the college which I know best, which has increased from 119 in 1875 to 273 in the present year, while the population of the county (Madison) has decreased from 42,324 to 40,545. I have taken this period of about 30 years as marking approximately the life of a generation. It needs no words to show how great is the influence upon our social and civic life of this increasing body of educated persons, and how a single generation may add emphasis to any question relating to our educational methods and equipment.

1 The State can aid the colleges in the following ways:

a Perhaps there is nothing more important, nothing more deeply felt particularly by all colleges that receive students upon certificates as well as upon examination, than the great differences represented by diplomas of high schools and the certificates representing the work done in them. At once we must gratefully recognize the

admirable work done already by the Department in equalizing the schools with this end in view; we must also recognize the great impulse given to this matter by the College Entrance Examination Board, which indicates a standard to which every reputable college will seek to bring its own entrance requirements and which therefore must be approximated by the preparatory schools. But we are a long way distant yet from the time when every valley shall be exalted and every mountain made low. It is a criticism often made by teachers of secondary schools that the colleges themselves agree upon no common list of subjects required for entrance, though most colleges permit equivalents for their specified subjects in many cases. And there is no doubt that it is a serious evil that a teacher must search the separate catalogues and attempt to meet as many different standards, when he has boys wishing to enter various colleges. And equally it is an embarrassment to the college and a wrong to the student, if the applicant comes up without the full line of subjects required or with such faulty preparation in them as to prove him inefficient. If admission is by examination alone, of course the applicant's deficiency is at once apparent. But if he comes by certificate, it is not infrequent that he enters with hopes that must soon be dashed, and considerable time is spent in retrieving the mistake. It is probably desirable that in our State the certificate courtesy should be extended as widely as possible, and certainly the Regents' guaranties should not be declined. But it still remains that there are high schools and high schools, and colleges and colleges, of very different grades, and how their work is to be brought to a common level, and one general standard be demanded of all, unless by the aid of the State, it is hard to see. Again, I would not minimize the work that is already being done in this direction. It is and has been admirable. But we hope for more. Some of the State universities make use of an inspector, or of a visiting board made up of their own professors, upon whose report schools are accredited. But it must be a faculty of considerable size that can well afford the frequent absences of professors upon such work, and probably but few besides the state universities can follow this plan. In some universities the plan is followed of accrediting any well reported school, until any of its pupils received into college shall show such inefficiency as to negative the claims of the school. In New England two or three years ago a board maintained by 10 colleges was appointed to approve schools for the certificate privilege, but its usefulness for unifying requirements was limited by the provision that it might approve any school which could prepare

candidates on any one of the recognized plans of entering any one of the colleges represented on the board. Of course this permission weakened the action of the board in comparison with what could be accomplished by a State university through a committee accrediting or affiliating schools upon the plan of a unified curriculum required within the State. And as a matter of experience the New England board finally decided to rely upon the standing of the graduates of each school *after entering college*, thereby doing exactly what many of us in New York are independently doing. But why can not the State of New York do something of this sort for itself? Here we have in our Education Department a mechanism not existing in New England. More and more closely the Department is being geared to the public schools under its charge and on the other hand to the institutions of higher learning. The Department recognizes clearly that quality as well as quantity of work is essential, and it recognizes as clearly that whatever may be said of a parity of quantity in the high school work, there is the largest disparity of quality throughout the State. Perhaps this is unavoidable in present conditions. Perhaps it will take a long while to reduce the inequalities. I am inclined to think so. No man should ask the impossible. But can not the State do for its colleges and universities something of this inspection that is successfully done in many states by the state university — something beyond what it is now doing in its general supervision of the schools? Can not there be a tabulation of high schools, which would show the colleges at a glance what grade of work would be represented by the certificates, if taken? And would not this very measure set a standard for the ambition of every high school in the State, which would itself go a long way toward the realization of the excellence desired? It might still be impossible to regard a diploma as unfailing evidence of a candidate's fitness for entrance to college; but the special certificate of the principal would not only stand for assured work in his own school, but mean also that the well recognized standard of all schools in all localities had been reached. Unless we are to require examination of all students it is necessary that some plan like this should be instituted to make the certificates of schools within the State assume a value that can be beyond doubt. The old plan, of which I have been told, might have been a good one, the issuing of a special college entrance diploma entirely distinct from the diploma of graduation. If this college entrance diploma is ever used now, we do not see it at Colgate. Something of the sort would be useful.

b This leads directly to the suggestion that the Education Department would do an important service if some clear definition were to be given as to what a college is. What, too, is a university? We may see very good reasons why the public school in modern times, with the tremendous pressure of public opinion upon it, should be no longer a place for the old "book larnin'" alone, but a sort of nursery in the elements of all employments and trades. It is right that the schools supported by public funds should offer very varied opportunities to the children of taxpayers. Politically, if not educationally, it is a wise policy to teach in the schools a smattering of all the sciences and arts, with manual training, as well as the three R's and the higher branches formerly required for admission to college. It would plainly be a mistake now to hold our secondary schools to the single line of preparation required for the later pursuit of higher studies and not admit the preparation for the bread and butter occupations that a large proportion of our children must follow. The very nature of the *public* school should make its subjects various and variable. But for those young people who do go to college, and for the colleges themselves, it is important that college work shall be defined; the relation of secondary school work to college work be settled; and the determination of the university be stated. The State has already, and very wisely, defined the significance and value of academic degrees. It has withdrawn by its request, one degree, the Ph.D. from the list of honorary degrees, and now few colleges of account continue to give this degree except for specified work. And it is generally felt that to give an honorary Ph.D. is a discourtesy and an anachronism. In the same way let the Education Department discourage colleges from all specializing and encourage the university or the professional school alone to do this work. There is a constant pressure upon the college to go beyond its proper function. We see it especially today in the demand for civil, mechanical and electrical engineering. President Taylor's reports show the frequent pressure at Vassar for the introduction of domestic science. Music, also, now urges its claims to be taught as an occupation or an art. Harvard College was the earliest, some 40 years ago, to place music theory in the curriculum under the late Prof. J. K. Paine, and in 40 years has never yielded a jot to modern demands for the music conservatory as a part of a college. Here too is a special danger in women's colleges, and Vassar I am glad to say is standing sturdily against it. Harvard is this year introducing business courses in the department of economics. The college properly can not be a technical school whether for cooking,

engineering, or any other bread and butter science. Let the State draw somewhat closer the definitions, and so far as possible insist on the university limiting its college, if it have any at all, to a small number of students mainly for the purpose of offering within the university a laboratory or clinic for the use of its faculty of education, as Chancellor MacCracken suggested in a Convocation address two years ago. And on the other hand let a college be restricted, and not offer graduate work and professional work at least till the teaching force and equipment shall conform to State requirements. There would not be much difficulty in keeping the college of a university small, as most young men and women would object to going to college mainly for the pedagogical advantages of a portion of the faculty and of the students in educational science. On the other hand the college proper would be able to concentrate its energies upon purely culture subjects, and to employ exclusively college methods. And its facility in giving the work appropriate to youth, its advantages of personal contact between student and teacher, its care for physical welfare and the moral nature, its enthusiasms of companionships as well as of common studies, and its training for all future specialization whether in profession or business, would not fail to appeal to young Americans to lay broadly the foundations of an effective life. A college should not be a school where intensive work should be encouraged beyond the necessary thoroughness required for all honest work. The work of a college should be distinctly extensive, broadening the faculties as well as the knowledge of the student. The work of the university ought to be directly and exclusively, so far as may be, intensive, and that of the graduate school as well should be differentiated from the work of the college. Can not the State help us to this end? What earthly aid can come to us for these purposes unless it comes from the Department? Who shall set up the norm of character and method for the great branches of our school system, if the State does not? There may be an approach to an agreement by indirection, and Commissioner Draper has gone a long way in instituting periodical meetings of the university and college presidents for the discussion of problems of the higher education. Another step has been taken in the formation of the Association of Presidents, though I fear it has made a mistake in declaring its functions to be mainly social and friendly rather than for the study and discussion of college themes, as in the kindred association in New England, which has there proved so vital to the interests of the

higher education. But not only by indirection, but by direction; not only by inviting the colleges to confer together, but by putting before them definite subjects for consideration; by preferring special requests, as it has done in the case of the conferring of degrees; by determining particular points, as it has done the inestimable service of giving us the value of the hour in reckoning the requirements for entrance, by assisting so admirably in the coordination of the colleges with professional schools, as in the case of medicine while yet the work of the two grades, the college and the professional, are kept separate; in any way in which opportunity offers for suggestion or request, the State can lead us and the Department may be sure that its help will be welcome, its wish honored, and its efforts maintained by cordial confidence and cooperation. We are not so quixotic as to believe that state *legislation* could effect what is desired. The discussion at the Council of State Superintendents in Rochester last week upon the question of too minute prescription by the State in educational work would indicate that such prescription even in the public schools might be carried too far. But we recognize loyally the right of the State to indicate the best ways to us, and we welcome all wise suggestion and every well considered request.

c And now I shall tread upon delicate ground. Two or three years ago the colleges approached the State with a petition for the appointment of a commission to investigate the whole subject of state aid to higher institutions of learning. The immediate occasion was the proposed grant to Cornell University of a quarter of a million of dollars for the erection of an Agricultural Building. Personally I believed and still believe that this grant was wise, and rightly made. But it was felt that all such appropriations by the State should be made only upon a clear understanding of the relations of all the colleges to the State and to each other; upon a consideration of the needs of all; and with due regard to the general interests of the higher education. The petition suffered in the house of its friends in amusing ways. It was subjected to the misunderstanding that it was equivalent to hostility to Cornell and also to the equally silly cry that the colleges were opposed to the farming interests. There were several hearings before committees and the Governor, and at the last, the "embattled farmers stood" in packed ranks with only one poor college president to appeal for the righteousness of the cause of light and inquiry. There could be but one issue, and the petitioners, most of whom had already withdrawn,

had leave to withdraw, their cause going down to defeat. But there is an old saying that truth crushed to earth will rise again, and I am inclined to think that this is a good time for it to rise. Especially when there is no specific question at issue, and when no particular college seeks any advantage, we may once more urge that the State ought to have some well defined policy, a policy that should at least have the intelligent consent of the higher institutions of learning, as to grants from the government for the aid of all or any of them. Since the Cornell grant, St Lawrence University has received a large sum. All such matters should be taken out of politics, and I submit that the very best way to do that is to have just such a commission as the petitioners prayed for in a less fortunate time than this. I do not believe such a commission should be one hastily appointed, or created for a special occasion. It should be of standing character; it should be of recognized dignity; it should be wholly unpartizan; it should be the avenue of approach to the government; and apart from its agency and recommendation no request for State aid should be entertained. Do we not have such a commission in the Department of Education itself? It may be a very unwelcome suggestion that this delicate task should be laid upon the Education Department, which already has a few difficulties to meet. But could not the Department at least furnish the nest in which such a commission or committee could be hatched and reared? In which it should rest securely whatever hostile blasts may blow? The whole question is one of supreme importance to the State itself and to all the educational interests of the State as they are embodied in its colleges and universities. The policy heretofore has been one of drift. The practice has been one of apparently haphazard, indefinite yielding to the temporary demand. Any deep, well considered principle has been conspicuously absent. "Each one for himself and the devil take the hindmost" has been the motto, somewhat unworthy, it must be confessed, when the matter pertains to the State and to education. Public hearings, so likely to fall into the hands of interested classes should not settle what ought to have the patient, unbiased consideration of skilled educators. There is but one way, it seems to me, to reach the difficulty, and that is through such a standing commission as we have suggested. To this, of course, the State must give its gracious attention and from the State the aid must come.

Allied to this question of State aid but more important and far-reaching, is the problem of the State university, touched upon last night by our honored Regent-Chancellor. The coming of the uni-

versity was predicted as sure, and it was said that no man could prevent and no man could hasten it, and perhaps its coming would cover more time than many of us have left on earth. It is pertinent to inquire whether the growth of such an enterprise is to be that of a highly cultured fruit of a carefully, intelligently tilled garden, or whether it is to grow up like a weed, the result of heedless sowing or of the chance demands which the careless hours may bring. Wise as our Education Department may now be, or as it may be at any future time, such a question ought to emanate from no single source or be pressed by any class of people. In an old state like Massachusetts, Connecticut, or New York the problem is entirely different from what it has been and is in younger commonwealths. Many centers of the higher education already exist. Millions of dollars in endowment and equipment will be affected. Splendid educational traditions and the most sacred trusts are involved. So long as Harvard College lasts, so long as the Institute of Technology does its great work, so long as other great institutions of learning serve the old Bay State, it is not likely that any new state university will find favor there. And is New York to disregard the splendor of its present educational institutions? At any rate if this question ever shall secure serious attention, and if it be true, as it certainly is, that no one man can hasten or hinder the creation of a great educational system for a state, it is all the more imperative that all the experienced educators of the State should be intelligently united in the consideration of any measure of such importance as the founding of a State university.

2 At the beginning of this paper I said that the breadth and height and length of the subject were equal. It is now evident that my paper can not be as symmetrical as the subject, for the second part of it must be as brief as the first part has been long. How can the colleges help the State?

a A few years ago the Education Department corrected the injustice by which the college graduate did not have the privileges of the normal school graduate in entering upon the profession of teaching. More recently college privileges have been generously extended. It is now our task as colleges fully to justify the confidence of the Department. The Commissioner gave the presidents a hint a year ago that we are not doing all we might do. If the college-bred teacher is in any respect falling short of the requirements or even the hopes of the State, we must leave no possible effort untried to make the product better. The colleges ask no higher

privilege than to contribute the best possible material to the teaching force of the State; and if today the great preponderance of college men in the noble profession of the teacher is any index of their value, the future certainly should not suffer from any lapse of care in providing men still better equipped for their work.

b It were trite to say that the college can and must give the best manhood to the State. But it is very pertinent and not so trite to ask if the colleges are now preparing citizens of the best type. One danger lies in the tendency to specialization of which I have spoken. Specialization narrows and restricts, if it is not carefully guarded. The colleges can foster the breadth of manhood, and be jealous for the freedom of culture so boundlessly valuable to the State. And it may be well, though unpopular, to ask whether we are doing the best thing for our young manhood in promoting athletics and sports to such a degree that excitement, publicity, and ambitions somewhat lower than the highest are made the rule of life. And I think many of our colleges may be rightly arraigned because their social conditions and notably their fraternity life breed the club spirit and induce an extravagance of living not good for American citizens. It is not good that our boys should be housed in college, whether in fraternity houses or in college dormitories, in a luxury that they never have enjoyed and never can enjoy after graduation. It is not good for American homes or American manhood, that conditions of life prevail in the institutions of learning which lead our young men and women to fear marriage, because it can not be supported in the extravagance learned in student years. This is the trouble with the nonmarrying college graduates, and not the mere difference of a year in the length of the college course, as President Eliot has argued. Let our colleges preserve a modesty of living, a reserve and the quiet refinement worthy of the scholar; let them stand strong against the rush of modern life and keep at least their four years of repose for the highest mental and moral pursuits; let them be the conservative force, lacking almost everywhere else, for the preservation of the simple life, without which any state is in peril. We shall help the State in no truer way, and help our Education Department in no truer way, than by emphasizing the essentials of the humanizing culture for which our charters were originally given.

Commissioner Draper—In spite of the fact that I am down for the next address, I rise for a moment or two because I can not bear to have this all important subject seem to go by default. This is an admirable presentation of a very important theme in the

educational activities of this State. We need a number of more decisive influences in our educational affairs and among them there is none more desirable than the accentuation of the college influence. The trouble is that our eastern college people are too dignified; they do not get limbered up enough. They are too afraid to rub up against the crowd. Now we have had three or four fine conferences of college men in this State. You get them all together in a room and in the course of an hour or two they will thaw out and get enthused and really begin to see ways for doing things to put life and vigor into the educational activities of the State and will make the best kind of promises about what shall be done. They are all coming to Convocation next time and they are going to start and do things. And then they go home and get busy and forget about it because they are not used to it. Their conception of the college attitude is not what it is in the West and as a result they do not get into the educational activities of the State to any great extent, and their energy and assistance is needed very much indeed.

Now I have been struck by three or four of the points made in this paper and I agree with every one of them and there is no sensitive ground on any topic brought out that should prevent a free discussion. In the first place I wish the State of New York could do something more to help its colleges, particularly its smaller colleges that need the help most. I am not at all adverse to a thorough discussion of that subject, not at all opposed to the appointment of a commission of college presidents and others who would give full consideration to what the State could do to help its colleges along. Of course there is one thing that has always got to be borne in mind in this connection and that is this—that wherever the State aid goes, the State's influence has got to go; wherever the State's money goes the State's influence has got to go, not only that the money may be properly and wisely expended and do what it is intended to do, but also because of the need of the reflex influence upon the State itself. The State's money can not go without the State's supervision and oversight; and it ought not to go without such intelligent supervision and such sympathetic oversight that there is a reflex influence upon the sentiment of the State and particularly upon the State's educational thought.

We have got three or four colleges at least in this State that are old and historic and for which I have a feeling of veneration and in every one of which I am decidedly interested. They are struggling along, having hard work to get on, needing more money, the demands upon them being beyond their revenues; and if there were

any way in which the State could help them along I would be delighted to have it do so.

I noticed President Merrill's suggestion about colleges being kept within college fields, and universities taking up only university functions, etc. That is all very well. I noticed what he said about President Taylor's report concerning domestic science and household economics in Vassar, etc. Let me point out to you the difference between the eastern and the western college or university. The eastern college is everlastingly advancing theories and undertaking to justify them, and in development and expansion and trend they lay much store upon theories. It does not occur to the westerner that the Almighty needs so much guiding as the easterner thinks he does. The westerner is rather disposed to let things develop about as they will and to respond to a demand whenever it may be responded to. I am quite in sympathy with President Merrill's suggestion that no college or university ought to go into any enterprise until the time comes when it can do it well and properly and thoroughly and capably. But whenever there is a demand for a thing to be done and you can scrape up the money with which to meet the demand, you better do it.

As to the suggestion concerning a State university in this State, of course we are going to have a State university some day. These eastern states are not forever going to lose the advantage that flows out of the great state universities of this country. All of us here do not realize that, but it will not be so forever. The time will come when there will be a great free state university in every state upon the Atlantic coast. It certainly will be so unless the tuition fees at the eastern universities are so very low and the opportunities so very common that no son or daughter of the commonwealth is denied the privilege of practically free instruction in any study in the university.

But let me add another thing. There is nothing in the suggestion that the development of the State Normal College at Albany is intended by the present educational administration of the State to lead to the evolution of a State university. And the present State educational administration will not start upon covert plans, and will not start upon any plans without disclosing its purposes and the nature of the plans, so far as it has any purpose. It is the idea of the administration that this Albany institution shall be made an institution of unquestioned college grade for the purpose of training teachers, substantially for the high schools; and beyond that there is no purpose about it.

I have taken more time than I ought; but we need to do anything we can to help the college activities of the State, to bind the colleges together, and particularly to develop their energy in the entire educational work of the State.

President James M. Taylor, Vassar College—I had not expected to say a word this morning, nor have I any desire particularly to enter into any discussion of the great subjects that have been presented to us within the few minutes that must be at the command of any single speaker. I only want to say that it seems to me the East has something to say for itself; that if there is such a thing as following too slowly the indications of Providence as I understood the Commissioner to suggest, there is such a thing also as hurrying the ways of Providence. There is such a thing as history and I think there has been a little more tendency in the East to regard the traditions of history and the outcome of experience; in other words that the West has had a great tendency not only in education, but in finance and in matters of farmer organization, such as the granger movement, sometimes to hasten a little the ways of Providence. I read somewhere the other day, Mr Dooley's definition of a fanatic as a man who was doing what the Lord would try to do if the Lord fully understood the case. I think there is a little tendency that way with our western brethren. I have the largest respect for the West, go West and am in touch with the West, believe in the West and in the western spirit, and I think that a good deal of it in our conservative eastern atmosphere is a good thing. But a spice of our eastern conservative spirit would likewise do the West a good deal of good.

Mr Chancellor, for 20 years I have from time to time in this place listened to the addresses of representatives of state universities. I used to say to Mr Dewey, whose work I think will be more appreciated in after years than it has been in the immediate past, "Why don't you give the eastern universities a chance? Why don't you do the fair thing in this Senate chamber? Why don't you ask Mr Eliot to give us a presentation of the claims of the voluntary university?" I believe myself that the State of New York is setting its face in the wrong direction in talking of the establishment of a State university. I do not believe in it, or in a national university at Washington. I believe it is an unnecessary development of administrative power; that it is the satisfaction of certain ambitions which are worthy but at the same time unsound; that it would be a duplication of work that in these eastern states is being done

just as well as in any western state university. Our eastern colleges have something to say for themselves along that line.

I am only going to say this in connection with a statement that has been made by the Commissioner and that was referred to in the admirable paper of President Merrill: We have taken the ground at Vassar College that we are a *college*. We have distinctly withdrawn all claims to do university work, though like all the colleges in the East as well as in the West we are doing a good deal, after all, of what used to be called university work 10 or 15 years ago in distinction from college work. We are trying to keep ourselves to college work, and by that we mean a course that leads to a liberal education. When it comes to a question like that of domestic science, I know perfectly well a western university would not stop for a moment. If the State of New York should come to me today and say we will give you \$100,000 to establish domestic science in Vassar College, I should say, "Gentlemen, we do not want your money." We are doing a work for liberal education and we have enough to do in that direction. We are taking care of all that we need to take care of and we are sending out women every year who can take domestic science or anything else on top of a liberal education.

That is the reason we do not care to establish a special teachers course at Vassar. We send out a great many teachers. We say to them, "If you want to be good teachers, first *learn* something." The great difficulty with our method of educating teachers is that we put so much stress on method and so little on something to teach. We say distinctly to our students, first *know* something; get a good education, and then if you are going to elevate the teaching profession, do as you would do with the ministry, or with medical science, or as you would do with the law; go and get a good training in the methods of teaching; go to a teachers college and get professional training on the basis of a liberal education. We can do at Vassar College just as much for the teaching profession as is being done in any other college in this State. We have just as good facilities. We can take time for it if we will, but we do not choose to do it, and on the basis of a theory, if you will. We believe that the teaching profession should be based on a broad, strong, liberal training, and on top of that a professional training that is really broad and strong, and that thus we will make the teaching profession of this country something more than it has ever been before.

Now I say that if our western brethren in this respect are much more liberal than we are it is because they love to touch everything

and anything, and there is such a thing as overexpansion. We will do better work in this State if we hold ourselves in our varied institutions to something definitive than we shall if in every one of them we try to cover the whole thing.

I wish, Mr Chancellor, that that proposition of President Merrill's might be thoroughly considered by the Regents and by the Education Department of this State in regard to the formation of a commission that shall have in charge matters that come to the Legislature pertaining to money grants to our various colleges. We have nothing to ask at Vassar of the State. However I only represent my own view in the matter and can not speak for the trustees of Vassar. I am in favor of doing this work through the voluntary system. I am enough of an old-fashioned American to believe that the State can not do everything and ought not to be expected to do everything, and that begging of the State in all of these ways is bad for our education and bad for our charities. We are saying too much on the matter of State care and State efficiency and it is not pure democracy. We hear a great deal about Jeffersonian democracy in these days, but I am talking about democracy in a philosophical sense.

I will only add one word. I was not in the State at the time that this matter came up before the Legislature. I was abroad for a while and did not follow the discussions and did not know of it; but I do know this — that the work in this State shows that whenever colleges have gotten into the way of going down to the Legislature, they suffer in just the same way that any other body of men suffer who are always courting favors from the Legislature. It is not good for the colleges, it is not good for the president of the colleges or for any man who represents the colleges; and this has been so from the days of Dr Nott of honored memory down to the present time. It is not good for any man to have to face these legislative committees and work through schemes. It is bad for any man who represents the higher interests of the State to have to do that sort of thing before the Legislature, and that is what we have been doing. That is what we are doing in our present system, and that is the way all these various grants have been gotten from the Legislature — grants for Cornell, grants for St Lawrence, grants for Alfred University, and if I should go before the Legislature or into a legislative committee room and ask that they remember the *womanhood* of this State; if I should suggest to them that the young women of this State ought to have the blessing of a domestic training, and should picture before the Legislature the beauties of a home train-

ing, if only the State would give us money enough—do you doubt for a minute that the Legislature would give some money to Vassar College? And I say that would be pernicious, and unfit for an educational institution and I do not think that any college president ought to be subjected to that sort of thing.

Commissioner Draper—I agree with about all that President Taylor says. There was however one sentence that might possibly be misleading. I do not think he intended to imply that any of these grants to special interests have had the backing of the Education Department, but that there may be no misunderstanding about that I wish to say distinctly that there would be no ground for such implication. (President Taylor assented to this.)

One other suggestion, as between eastern and western interest in education. I am not a westerner. Do not have any mistaken idea about that. One thing, however, for President Taylor and the rest of us to think about is that as men and women grow older, and as states grow older, they naturally and inevitably grow more conservative. We always accumulate conservatism and we seldom accumulate energy and aggressiveness as we grow older; and so it is well for us to develop all the energy and all the aggressiveness we can, and the conservatism will be pretty sure to take care of itself.

Dr Joseph E. King, Fort Edward—I hope somebody will move that these timely and wise suggestions along the line of our work, unifying and making strong and wide and perfect our educational system, and I move you, Mr Chancellor, that these suggestions and recommendations be favorably commended to the consideration of the Regents, that some action may come in the near future. I would add simply that it seems to me preeminently timely, when the State has shown so broad and generous an attitude as to provide with its millions for secondary education, even to the extent of free textbooks—it is timely for this great rich State to see to it that we make the future beyond the high school all that it ought to be and all that we can make it; and if it needs to be supplemented by some of the cash of the State, to give it out generously.

Just one other suggestion occurs to me, in connection with Dr Merrill's statement that among the progress of recent years the educational authorities at Albany have recognized a college diploma as equal at least to a normal school diploma in opening the doors of the schoolhouses. In consequence of that recognition it might be a timely and handsome thing for the colleges to place among their

electives in the junior and senior years a little something in the line of pedagogy, inasmuch as not a few of the young men and women who are looking to professional life other than the profession of teaching often find it convenient for financial reasons, and sometimes to broaden their education by real contact with the human mind in the classroom, to teach a year or two before going to their professions. Let us help them a little by giving them an opportunity to choose an elective in pedagogy.

In conclusion I wish to say that I was delighted with the wisdom and the saneness of Dr Merrill's paper.

Vice Chancellor McKelway—The Board of Regents will accept the suggestion of the gentleman who has just spoken and will give the subject that has developed this morning the special consideration which its importance demands and which the manifest opinion of the Convocation desires.

ACADEMIC EXAMINATIONS AND ACADEMIC FUNDS

HON. ANDREW S. DRAPER LL.B., LL.D., COMMISSIONER OF EDUCATION

No other State gives anything like the amount of money that New York State gives to the upbuilding of secondary schools. Our people give \$65,000,000 each year for education and \$7,850,000 for the annual maintenance of our 800 schools of secondary grade. But that is not what is now in mind. Reference is now made to the funds distributed by *the State government* to encourage the scholarship in and the expansion of the high schools and academies. The State began the policy even before she began to appropriate State school moneys for the elementary schools. She has maintained the policy with uniform sagacity and steadily enlarging generosity. The State support of the academic schools is more liberal than the State support of the elementary schools. The schools of approved academic standing receive academic funds in liberal addition to the distributive share which they get as common schools from the State school funds. This is right because they are much more expensive and because the elementary school system and all of the educational interests of the State are very dependent upon them. The special fund given by the State government for promoting the excellence of these advanced schools, which have come to be the vital connecting link between the elementary schools and the colleges and universities, and which have come to be the scarcely less vital link between the elementary schools and real success in our complex intellectual and industrial activities, is more than a half million dollars annually.

This has been going on a long time and I make free to say that I think it should have been more uniformly effective than it has.

The precise basis upon which this fund is allotted is left to the sound judgment of the Board of Regents. It goes without saying that it must be given in recognition and encouragement of scholarship. This has not always been as easy as the inexperienced may suppose. When the academic schools were few, before and for some time following the development of the public high schools, and when the appropriations were not large, the academic funds were apportioned upon the educational pedigrees of the teachers, the studies taught, the architecture of the schoolhouse, and the general reputation of the school. It seemed the only way. Then it was discovered that a better way for finding out about the work of a school is to examine the students. The teachers were not examined as the teachers in the elementary schools were; there has been no special certificate for high school teachers; and it is the truth that they have often shown less altitudinal competency for their work than the teachers of the elementary schools have for theirs. And up to the later eighties there were no means by which the Regents could even partially inspect the secondary schools.

This developed a system of academic examinations which for many years, except for two or three brief periods, has been the basis of distribution of academic funds. This examinations system is quite exceptional in our country. So are the State academic appropriations. Both distinguish our State. There are some who seem frightened by the fact that other states do not do as we do. I am not one of them. There is no other State that is as great as New York, either in educational experience, authority, or resources. We will base our judgments upon our own situations and act upon what we think.

For many years prior to 1900 the funds were apportioned according to the number of pupils who passed the examinations and, for reasons which are well known and need not here be discussed, the examinations were steadily extended, enlarged, intensified and complicated. The trend of the examinations system led to pedagogic abuses, and doubtless to something worse at times, in order to enlarge a school's share in the funds. There were those who would rather trust to the report of an academic inspector than to the answers which their students would make to the examination ques-

tions. In the meantime, inspectors had multiplied and the inspecting system had grown.

Accordingly, it was determined in 1900 to distribute the funds in proportion to the attendance at each school of academic pupils, without reference to their passing examinations, when the University inspectors reported that the admission requirements of the school were equivalent to those required for the preliminary certificate. This relieved schools from the necessity of submitting their students to examination in order to share in the funds. It is true that the examinations have continued to be used in nearly or quite all schools using them before. The number of schools using them has enlarged notwithstanding the abolition of the requirement. That evidences the common estimate of their value. In some formerly using the examinations it has led to only partial use, to jugglery, and to other abuses; and some schools which never used the examinations have come to share in the fund without the State having any very exact knowledge of their work.

History has only repeated itself. Two or three times in the unfolding of our academic history the Regents relaxed the requirement that schools must submit to the examinations in order to share in the funds, only to meet with disagreeable but stern facts which soon convinced them that they must go back to it again if they would protect their funds and realize their expectations. A careful inquiry which has been in progress since our educational reorganization brought the officers of the Education Department and the Regents in April last to feel that it was necessary to return to the requirement that all schools claiming a share in the funds must use the examinations. This has stirred some circumscribed but fervid remarks. In one or two instances these have gone the length of opposing all examinations on the ground that they are narrowing, dwarfing, misleading, mechanical, uninspirational, juiceless, and about everything else bad in education that the excessively pedagogical and the prematurely overspiritual are able to think of.

Of course we must have freedom in the schools, but before that the schools must have the elements which need and can exercise freedom. Of course the imagination must be developed in education, but imagination which does not connect with earth claims restraint, or leads to madness. Of course spirituality must have its free opportunity in the schools, but there are a good many

of us who think that the honest capacity to do things in this world must be the vital basis of the spirituality which will be of the most worth in Heaven. Schools on earth must, in the first instance at all events, reckon with the things of earth.

There is nothing so sacred about a system of examinations as to forbid its being discussed, criticized, condemned, modified or abandoned if sense has the right of way and reasons are convincing. It has been apparent to me for many years that our State educational interests would be promoted by the fresh discussion of and some decisive changes in our examinations system. The action taken in April and amplified in June, to which some exception has been taken, resulted from much fresh consideration of the matter by the officers of the Department and the Board of Regents. It was not at all impulsive. The advisability of what was done is not doubted and the reasons for it are not wanting.

If it is a matter of any interest, it may be said that my personal feelings concerning the Regents examinations were expressed in the Board of Regents twenty years ago when I said, "I believe in these examinations heartily. So long as they express the best teaching they are all right. They contain the elements of educational uplift. I oppose multiplying, extending and intensifying them. If that course is persisted in they will break down because they ought to. A good thing may be worked to death." My view is the same now as then, although my official relations with the Board of Regents have materially changed. Since our present relations were established my influence has been for simplifying the examinations, for reducing the number of the examinations, for reducing the length of the question papers, for avoiding so far as possible any hurtful consequences which may be merely incident to them, for making them representative of the best teaching, and not only responsive but helpful to the best progress in education. But I am not ignorant of the educational value of good examinations, nor of the need of examining students to find out about schools, nor of the desirability of recurring tests and permanent and continuing records to bring schools up and keep them up to their best. The value of proper examinations is no longer open to discussion in education. I think we can make as good examinations in New York as any other people can make, and that we can make such examinations both the aid and test of good work, without subjecting ourselves to the hurts

which obtuseness in multiplying, extending and intensifying the examinations may bring upon us. I see no reason why State appropriations should not be allotted on the basis of good work, judged by all of the best tests, nor why the State's tests should not be applied alike to all who desire to share in the State's gifts to good scholarship. In all of this the Board of Regents and the Commissioner of Education are in entire accord.

The Education Department makes an academic syllabus each five years for the general guidance of the academic schools. It requires no self-assurance to say in this presence that the syllabus is of inestimable value to academic schools. Practically all of our 800 schools of academic grade are greatly advantaged by it. They are not afflicted by it. They welcome it. They feel that it is theirs; that they make it; that it is the joint product of the best thinking of leading academic teachers and the Department officials and is better than any one person or any one school could prepare. It is in use in a hundred cities outside of the State.

This syllabus not only guides and inspires the teaching in the secondary schools, but it becomes the basis and limits the scope of the academic examinations. These examinations, held semiannually, are the State's tests of the work of the schools, and the standings which pupils gain in them have recognized educational value for teachers certificates, for admission to advanced schools and to examinations leading to the learned professions. They ought to be and perhaps may be accepted as scholarship tests for admission to the State civil service, and to the county and municipal civil service throughout the State. The certificates have educational values commonly understood in the State and widely recognized throughout the country.

But the State does not say that any school *must* follow this syllabus or take these examinations. It does not distribute money on the basis of success in the examinations. It does not punish any student for failure. It *does* say that any school which claims the State's money must submit to the State's tests. And it does say that the higher educational standards and requirements for which it assumes responsibility must be completely met in some definite and exact manner for which it is able to vouch.

Of course there are excellent people who assert their opposition to all examinations beyond those of the class teacher — which are

not examinations at all as we understand the term. These good friends grow radiant about mental reach, resourcefulness and grasp, about liberty in teaching, about spiritual expansion and the unfolding of the soul. They are rather interesting enthusiasts, if it is after dinner, and one has nothing else to do, and spontaneous humor runs low, and it isn't time to go home. But we all have our limitations, and the truth is that one who is so ebullient on that kind of thing must of necessity be wanting in perspective, in the sense and the strength and the adapting that are necessary to do real work in a real world, in the knowledge and the procedure which make for uniform efficiency in a system of schools.

The sustained effort and the substantial accomplishments of the world have come from men and women who have been trained to see some things clearly rather than all things faintly, and to do definite tasks as well as speculate about diversified industries. Out of this training and this exactness and the effort incident thereto, there come the fiber and texture and application and endurance which make sure of accomplishing things even though things are hard.

The really competent have no fear of fair examinations. The ability to pass set examinations within the scope of the work pretended to have been done is a fundamental factor in educational competency. Any student who is sixteen years of age, half way through the secondary schools, and can not tell what he knows of a subject which he has covered, and tell it in a reasonable form in a rational examination limited by the scope of his term's work, and set by others than his teachers, has been badly trained. He has been wasting his time and doubtless some teachers have been unwittingly consenting to it. If he has to go to work, the ability to pass an examination is an acquisition exceedingly desirable; if he is to go to college or to a professional or technical school, it is vital. If he can not begin to do it by the time he is half way through high school, there is little prospect that he will ever do it. If he can never do it he will be at least a partial and very likely a complete failure.

We are going to continue the inspections, but at the best they can be only occasional. With a self-satisfied or antagonistic principal it is almost impossible for them to accomplish much. Under any circumstances they are often easy-going, meaningless and without

much result. They can not be like a sheriff's search or a legislative investigation of an insurance company. They have to be accompanied with much caution, and a great deal of politeness, and perhaps some conviviality of a scholarly kind. We are trying to make them wiser and firmer and kindlier and more potential, and to accomplish it we are going to check up on the inspector by ascertaining whether what he has been saying and doing about the school is evidenced by the work of the pupils.

We shall continue to read courses of study, continue to see how many teachers in a secondary school have done any work above what they are teaching, continue to regard pedigree and general repute, and even to listen to the philosophy of pedagogical emotionalists. We will talk about all this with as little prevarication as possible and all of the politeness we have. But when a New York State secondary school claims a right to share in an appropriation made to build up secondary schools we are going to see what the upper class students of that school can do in our examinations, so as to know by the best tests known to educational experience what kind of work that school is really doing. We are not going to pay money in proportion to the number of students who pass; we are not going to drive students to suicide by forcing such as are on the verge of collapse into an examination; we are not going to hang all hope for this world and the next upon passing a single examination; we are not going to set any more irrational examinations than we can prevent; we are not even going to withdraw appropriations because a considerable percentage of students do not pass. We *are* going to test the work of the school and when the test shows weak or worthless work we are going to help the authorities of that school to make it better, if they will let us and if there is enough fibre in the management to build upon; but if they will not let us, or if there is nothing to build upon, we are going to remember our responsibility to the State and the community most interested and tell the constituency of that school that there is something the matter with it, and what it is.

The tests shall be uniformly applied. There shall be no evasion and no favoritism. Sharing in the State's bounty, definitely intended to be an encouragement to sound scholarship in advanced schools, shall be upon equal terms. The tests must be easy enough for the schools which are large and strong; those which are neither may rightfully object to tests which the more conspicuous do not have to meet. And, truth to tell, it sometimes develops that the size of a schoolhouse and the claims of trustees and teachers are not always conclusive of the character of the school.

Any who are unwilling to use the examinations can be accommodated by foregoing the appropriations, but the duty which the State Education Department owes to the common interests and to all of the people of the State will require that even in such case the Department officers shall ascertain the facts in the best way open to them, and afford information to any who may be interested.

But the requirement that all schools expecting to share in the appropriations must use the examinations was accompanied by several other modifications of the rules, which have long been under consideration and are decisively in the direction of simplicity and relaxation. If each school sharing in the State funds must be examined, each school doing so must feel the examinations much less than heretofore.

It was enacted that the examinations should not be mandatory in any school except in the last two years of the course; that success in passing the State examinations shall not be necessary for the promotion of pupils from grade to grade in or for the graduation of pupils from schools that prefer to determine such advancements by their own local standards; and that the principal of a school may, for physical or mental reasons satisfactory to himself, but to be reported to the State Department, excuse a pupil from taking any examination.

It was definitely announced that, apart from the schools showing the Department what their children can do in an examination, from assuring some definite preparation for admission to the normal schools and the training classes, and to colleges and professional examinations, and from protecting the standards and certificates which the State guarantees, the legal power shall be reserved to a community to indulge in just as much "freedom" as it enjoys, and have just as poor schools as self-satisfied theorists are able to make that community content with. They can even do that and be law honest, but let no one think that it carries moral right. No American community has moral right to any but the best schools it can have.

The educational authorities of the State of New York are agreed in declaring their unqualified belief in the necessity of well defined and not too complex courses of work in the secondary schools, in some exact measuring of the results of instruction, and in the pedagogical value of examinations covering the work done, and set by others than the instructors, provided such examinations are representative of the best teaching and freely responsive to educational progress.

The whole world is relative. The highest competency for one task is marked incompetency for another. This is so, even though the tasks are both educational. It is no reflection upon persons for whom I have the highest personal and official respect to say that our academic examinations ought to be prepared, or at least approved, by men and women who may not be disposed to accept employment in a State Department; who are doing, or are in everyday association with, the best teaching, and who have outlook, energy and discrimination equal to the highest intellectual and educational demands of the foremost State of the Union.

In passing from the old way of preparing examinations, let us not be unjust to the people who have heretofore done the work. It has been encompassed by many troubles. It is easy enough for a teacher to think that he could make a better examination paper than another does. It is easy enough to think one question should have been omitted and another admitted. It is easy enough for teachers to differ about the values of answers. Teachers get their recreation out of such differences. It remains to be seen whether the examinations will be prepared better hereafter than heretofore. And while we are finding out let us be considerate of the men and women who have been doing it very conscientiously and very satisfactorily in the years that are gone.

We are now going to see if we can not do much better through a New York State Examinations Board, for which the Board of Regents provided at the June meeting, in the following language:

"This board shall consist of twenty persons—the Commissioner of Education, the three Assistant Commissioners, and the Chief of the Examinations Division shall be *ex officio* members, and the Commissioner of Education shall be chairman. Fifteen other members shall be appointed by the Board of Regents, ordinarily at the time of the University Convocation, five of whom shall represent the colleges and universities, five the high schools and academies, and five the city superintendents. Only such persons as are engaged in teaching or in supervision in this State shall be members of the board. The appointive members shall serve for five years but the first appointees for each group shall serve for one, two, three, four and five years, as designated by the Board of Regents."

"The functions of the Examinations Board shall be to appoint, with the approval of the Commissioner of Education, committees to prepare question papers for State examinations, and to advise with the Commissioner in respect to the form and contents of syllabuses covering the subjects of study in the elementary and secondary schools."

"This board shall serve without compensation, but the ordinary expenses incident to attendance upon meetings called by the Commissioner of Education shall be paid by the State."

"The committees appointed by the State Examinations Board to prepare question papers shall consist of three persons each. One of each committee shall be an officer of the Education Department; the other two members, for preacademic subjects shall be principals of elementary schools, and for academic subjects a college teacher and a secondary school teacher. Each teacher shall serve for one year and shall receive from the State the necessary expenses in attending meetings of his committee in each year and an annual honorarium as follows: on preacademic subjects, English, Latin, Greek, history with civics and economics, mathematics, biologic science, and commercial subjects, \$50; on German, French, Spanish and drawing, \$40; on physics, chemistry and physical geography, \$30."

Yesterday the Board of Regents appointed the first State Examinations Board as follows:

Colleges

President Nicholas Murray Butler of Columbia University, to serve 5 years

President Rush Rhees of the University of Rochester, to serve 4 years

Chancellor James R. Day of Syracuse University, to serve 3 years

President David W. Hearn of the College of St Francis Xavier, to serve 2 years

President A. V. V. Raymond of Union University, to serve 1 year

Secondary schools

Associate City Superintendent Edward L. Stevens, in charge of high schools, New York City, to serve 5 years

Principal Walter B. Gunnison, Erasmus Hall High School, Brooklyn, to serve 4 years

Principal Frank H. Rollins, Stuyvesant High School, Manhattan, to serve 3 years

Principal Frank D. Boynton, Ithaca High School, Ithaca, to serve 2 years

Principal L. F. Hodge, Franklin Academy, Malone, to serve 1 year

Elementary schools

Superintendent William Henry Maxwell, New York city, to serve 5 years

Superintendent Henry P. Emerson, Buffalo, to serve 4 years

Superintendent A. B. Blodgett, Syracuse, to serve 3 years

Superintendent Charles E. Gorton, Yonkers, to serve 2 years

Superintendent Richard A. Searing, North Tonawanda, to serve
1 year

Since initiating this action the great city of New York, where the examinations have never been used because the high schools are new and the superintendent and other officials have never been satisfied with the method of preparing the examination papers, has determined to come into the examinations system. We are glad of it for we need the aid of the men and women who are at the head of the school system in that great city in giving trend to the examinations and uplift and energy to all of the educational activities of the State. And they need us. It begins to look as though we are going to have an educational oneness beyond our highest expectations. If it be so we shall gain educational power beyond our fondest dreams.

When argument in this matter is about over and the attempt to organize an opposing propaganda has failed, the broad allegation is made that unification in this State has been accompanied by narrowness, autocracy, bureaucracy, inconsistency, and some other possible ailments. The charge comes on schedule time. It is the stock argument of the man in education whose ideas or ambitions do not prevail. It can not often be noticed, generally because it is not worth while, and particularly because a State administration which refuses to be insipid and is something more than polite, one which takes the initiative and resists attack, is held, for that very reason, to furnish added proof of its selfish arrogancy and its insane purpose to overthrow all educational freedom.

As between initiating movements which the few will call overreaching, and the insipidity which kills all energy and the nervelessness which destroys all opportunity, the present administration will elect the former. And just now I, for one and for once, welcome the charge that has been made because it provides a substantial reason for pointing to steps in the direction of democracy, local educational freedom, and liberalized State policies, which have been taken in our State affairs since the reorganization of the State educational administration:

We have absolutely withdrawn all State directions about, or responsibility for, examinations in the elementary schools.

We have given complete responsibility for admission to the secondary schools to the local authorities.

We are excluding mere academic work from the normal schools and giving it over to local high schools and academies.

We have been making the elementary syllabus less directory, less minute in its prescriptions, and less difficult in accomplishment.

We have given over the whole foundation of teachers certificates to the local academic schools.

We have commenced to give all college graduates, even though they have no teaching experience, teachers certificates without examination.

We are now excusing all high schools from requiring their pupils to take any examination whatever before the pupils are half way through the high school course; we are leaving it to local principals to say whether any pupil of any age is unfit to take an examination, for physical or mental reasons; we are leaving the standards of promotion in and graduation from all academic schools to the local authorities, so far as they wish it so; and if there are any people in New York who possess a school which they think ought not to have any exact standards or respond to any known tests, and if they will relinquish their claim upon the State's moneys, we will have to let them go their own sweet way until their experiences bring them to their senses.

We are now turning over the whole matter of giving trend and setting limitations to the work of the schools, and of determining the examinations to be held in the schools, to leading teachers of the State, in the State Examinations Board.

Instructions have been given to Department officials and employees to travel no more than is required by the clear demands of the service. They are not desired to be present at the occasional but not unusual functions of a school, for it ought not to be assumed that such functions can not easily occur without representation from the Department.

The Department officials have likewise been directed never to meddle with school elections or with the settlement of contested questions in local assemblages beyond declaring the terms of the school law and the manifest interests of education in the State. They have had the same directions concerning the elections and poli-

cies of the voluntary associations; they are not desired to do more in these associations than keep themselves well advised, give such information as may be desired, and engage reasonably in the open and public discussion of questions of general educational concern.

We have demanded that all political or partizan hands shall be taken off the Department and off the schools, and that unselfish friends of the schools and particularly the officers and teachers of the schools shall be unhampered in their free opportunity to compound their experiences and their opinions and give trend and buoyancy to the educational activities of each city or district.

No step has been taken which can fairly be held to disclose a thought of being exclusive, dictatorial, improperly ambitious, or which points to a purpose to develop the mechanical side of mere administration, the vicious power of officialism. There is nothing that we so much want as that every city and school district in the State may be able and disposed to develop the fullest measure of educational capacity and independence. There is nothing to which we are, and I am, so much opposed as Department policies which will repress or retard such development. No one knows better than I that the glory of New York education is to be assured through the independent manliness and womanliness of the teachers in the schools and through the strength of the separate schools.

But there is another side to it. So complex and involved is the work of the modern schools that many of the people—the unprofessional people, at least—are often unable to discriminate between good schools and poor ones. They commonly think they have excellent schools when they often have very poor ones. Something worse than that is often true, and particularly true of secondary schools. School boards and teachers are often unable to put any fair estimate upon the excellence of their own schools, and they sometimes block the efforts of their more intelligent constituents who know that the schools are not as good as they ought to be and are anxious to make them better. There is no block to the advance of a school so effective as that which is not infrequently interposed by dull or conceited officers and teachers of the school. The State Department owes something to the people of a city or school district, as well as something to the officers and teachers, and there is an administration here which does not intend to let many communities be beguiled into thinking that they have the very best schools when

in fact they have very poor schools, without having something to say about it. And we must have something to say about it, even though some officers and teachers may be troubled by what we say.

Let us be understood in so important a matter. There is no one in the State educational administration, I am sure, who would not be ashamed of any policy or any attitude of the State which will not make a good teacher feel stronger and more independent in his schoolroom, and which will not make every city and school district feel that it has an educational autonomy of its own, and an educational salvation of its own to work out. There is no one here who would not give every help to every teacher who is capable of being helped. There is no one here who would not stand by and protect every teacher, no matter how high or how humble, who is unjustly opposed by the world, flesh, and devil factors in our democratic civilization. But we are opposed to narrowness and conceit. We are for the people, and the children, and the schools, as well as for the teachers. We can not protect one against himself when he is justly criticized or opposed. We are to help the teacher if he will be helped, and we are to help the schools whether or no, peacefully if we can, and through a contest if we must. We must give the best teaching and real progress their utmost opportunity to influence the educational career of the State.

All that we have done is in the direction of democracy in learning and the same treatment for all by the State. We will be patient, even slow. We will hear everybody to the utmost limit of time and strength. But we assert that there are established values and recognized standards in education; and that even a State may have come to know something of them, and may therefore exercise the right to apply them to all the secondary schools which it encourages with unparalleled liberality, without being justly charged with subverting the cherished liberties of the people. After hearing every one with all patience; after free discussions in the associations and in the press; with every disposition to wait reasonably for the consolidation of opinion; with entire confidence that there is no likelihood of serious divergence in our final judgments upon important matters, and refusing to spend much time over little matters, the administration will take the responsibility which the law and the logic of the situation place upon it. And one man with a sane proposition, or one young girl school teacher with a just cause, shall have more

weight here than forty men with foibles who have conceived the notion that coercion may be the product of combination.

For myself, returning to the subject and coming to a conclusion, I take the responsibility of saying that the secondary schools of New York have multiplied very rapidly. Some have been so much stimulated and have grown so rapidly that they are weak. More than half of them are without college graduates as principals. The colleges must do more for us. The boards of education must be more discriminating. The teachers themselves must realize that preparation for the secondary schools must be stronger. It is hard to say this but we must say it if we would mend it. Many of these schools are below the grade. It is vital that all be brought up to standard. It can be done. A school, particularly a high school, does not have to be a big one in order to be a good one.

If all of our middle schools can now be made thoroughly good, if we can make sure that they are being taught by liberally educated teachers, and that the course really prepares for college or for the higher grades of work, we shall have at once given uplift to both the colleges and the elementary school system. We have the instruments, the Second Assistant Commissioner in the Department and the men and women upon the field; we have the money, both centrally and generally. We can do this, and we are going to do it. We ask the help of every one of you. We will give you our help. We will not be overbearing or inconsiderate. We will be kindly but we shall be firm. We will not in any case humiliate you before your people unless your own obstinacy and their high interests make it necessary. In any case we will try to do our duty and we confidently rely upon all honest and intelligent friends of the schools to help us. We have no purpose and no ambitions but to make an educational administration that shall be worthy of and acceptable to the Empire State. *If it is in us to do that, we will not be turned aside from doing it.*

If we can uniformly grade up these secondary schools from Olean to Oyster Bay, and if we can in the next year or two establish supervision in the farming regions that is reasonably equivalent to that which is now enjoyed in the cities and larger villages, we shall have an educational system that will be worthy of having its chief seats in a four million dollar State Educational Building. We have something to do beyond securing the appropriations for the finest educa-

tion building in the world. We are to occupy such a building worthily.

Prin. Henry P. Warren, Albany Academy—In this State there are some high school headmasters who do not as do the headmasters of academies and the headmasters of private schools have the power to nominate and select and practically place their associates. It will always be true that there will be a large percentage of headmasters who will have their associates selected for them. They may have something to say, but in some cases will have nothing to say as to the selection. Now how are these men going to vindicate their adverse judgment of those teachers? How are they going to vindicate their nonapproval, their negative judgment, unless it is by means of these examinations? A teacher is selected for you by an honest but mistaken committee. The State Board of Regents will set an examination on that teachers work, and the teacher shows his or her incompetency. Then the committee is shown to have made a mistake and the headmaster of that school is vindicated in his opposition to the selection of that teacher. I am not speaking for myself for I have practically the selection of every teacher in my school. But I was once a high school master and I know what mistakes local committees make when they select teachers for the headmaster, and in a great many schools where there is a change of headmasters every two or three years the local committee makes the selection. But in communities where the headmaster holds his position for 10 or 20 years there is no reason for the local committee selecting his associates. He should in every case make the nomination, and in no case should his selection be turned down without the very best of reasons. Now the State of New York proposes practically to relieve you of this responsibility by showing up the incompetency of teachers which selfish or careless boards select. I think the value of this point can hardly be overestimated.

Prin. W. B. Gunnison, Erasmus Hall High School, Brooklyn—I am very glad of this discussion on the paper of Commissioner Draper. I do not recall a word in that paper indicative of what the last gentleman referred to. Under the laws of the State of New York public school teachers must be licensed and certified as capable before any can be selected by any board of education for the teaching service. Those who have been in the public schools of the State for the last 20 years I think expected just such a paper as we have listened to this morning from the Commissioner. We expected that the entire examination system of the State would be reviewed, its weaknesses in the past shown, and a wise, sane proposition made for

continuing the work throughout the State. That it seems to me is just what we have had.

I think many of us have a dread of examinations, and yet every word that has been said in favor of them is true. The fact is it is not the examinations we have any reason to dread, but the interpretation that has been put upon the examinations; and the strong thing about this paper is that there has been no hard and fast rule laid down whereby communities are obliged to make promotions or give credit on account of the examinations, nor must pupils go into the examinations when they ought not to be there. It explicitly says that the money to be apportioned is not to be determined by the results of these examinations; and even if a school fails to pass a large number or even a reasonable number, it does not for that reason say that one dollar of the appropriation shall be forfeited. It is the wisdom shown in properly interpreting these examinations that should make every teacher in every community of this State feel that we are safer today than we ever were before through the inspection that we have from the State Department and I believe that no wiser provision for examining the schools, whether in the rural communities or in the city of New York, has ever been made. This we would expect from the Commissioner, who for the first time this morning outlines the change in the examinations conducted by the State.

The greatest troubles we have are the things that never occur. I remember very well when a few years ago the examinations system was introduced in the high schools of the city of New York. I was as fearful as anybody as to the results of those examinations. Examinations of course will make a difference in any school. They will interfere somewhat with the independence of the teacher and the wisdom of that has to be determined by the results. I am glad to say as one of a large system where these examinations have been placed, and as one who was fearful of their results upon the school, that I am satisfied that while the schools have been changed somewhat and our methods modified, there is nothing to indicate but what the methods as used in the schools generally throughout the State are wiser and better by reason of these examinations. I believe in placing these uniform examinations throughout the State, especially for the wise and kindly purpose for which they are intended, viz to enable the State Department to have as absolute knowledge as it is possible for an outside body to have of the separate schools. It seems to me that the experience of the State will be what I believe the experience of the city of New York has been, that they are wise and beneficial and very effective.

Prin. James Winne, Canandaigua—I wish as a man who has worked in sympathy with all of the State work on the Regents side to say that I am exceedingly gratified at the orderly and consistent and clear presentation of the work proposed by the State Department of Education. It is to me marvelous. I thought I was keeping track of the work that was in progress in the State, but it is to me a revelation and I trust that when this paper is printed sufficient numbers will be printed to send to every member of a board of education in every part of the State this orderly statement in an envelop addressed personally to them as coming directly from the State. I received from its presentation an inspiration that I know will more than pay the community for my coming here if nothing else were presented. I am delighted with the paper and wish to thank the Commissioner of Education in behalf of my community for this clear, concise and definite statement, and that we find in the Department here not hard, unsympathetic rules, but manhood in its fulness and virility in its promise.

Friday afternoon, October 26

NECROLOGY

REPORT OF COMMITTEE, SUBMITTED BY C. W. BARDEEN, SYRACUSE

To present in a single report the deaths of a period covering two and one fourth years requires a condensation that to many of the friends of noble teachers named must seem unkind, but permits little more than a chronicle.

There has been an unusual proportion of sudden and violent deaths, including that of the man who was for so many years a directing force at these meetings, James Russell Parsons, twelfth and last secretary of the Board of Regents. On December 5, 1905, he was returning from the railway station in the City of Mexico where he was consul, when the carriage was struck by a trolley car and so hurled against an iron post that he was killed instantly, in the sight of his wife and child. Suitable memorials have already been entered upon these minutes.

Two former academic principals have also met death by railway accidents in this State. On November 12, 1904, Charles F. Dowd was struck and instantly killed by a railway train at a crossing in Saratoga Springs. He had been for eight years principal of North Granville Seminary and for 34 years principal of Temple Grove Seminary.

On August 8, 1906, Dr Godfrey R. Martine, former principal at Warrensburg, was instantly killed by a trolley car near Glens Falls.

Almost as sudden and unexpected were two deaths by apoplexy. On December 13, 1904, Prof. Achsah M. Ely of Vassar was stricken while walking across the campus, dying almost instantly; and on May 18, 1905, Charles R. Stiles, former principal at Goshen and Mount Vernon, and at time of his death principal of the Susquehanna Collegiate Institute, Pennsylvania, died of an attack which came upon him just a week before.

Two former principals have died in the hospital for the insane at Utica; on March 17, 1905, John H. Weinmann, former principal at Kingsboro, Schuylerville, and Fonda, and school commissioner 1891-96; and in September, 1905, George M. Burr, former principal at Newport, Roxbury, and other schools.

There have been six suicides: on June 23, 1904, Orlo B. Rhodes, former principal at Adams and reelected there, but despondent from ill health; on October 1, 1904, Jeanie Rogers Sherman, for seven years instructor of drawing in the Syracuse High School; on October 20, 1904, O. E. Shaul, formerly a Brooklyn principal, who had recently recovered a verdict of \$18,000 for dismissal; on August 14, 1905, Wilbur F. Saxton, former principal at Barton, Ludlowville and Rushville; on June 10, 1906, Fred D. Baxter, who had given up his school at Clarkson two months before in a fit of despondency; and on August 21, 1906, Abraham G. Miller, former principal at Morris, Herkimer and Whitehall, who had proved unsuccessful in business.

Of those to whom death came with less violence, three have been connected with the Education Department. Ella L. Richardson, who died December 10, 1904, had been institute instructor and Regents examiner since 1888. She was a noble woman, who helped teachers personally as well as in their work.

Edwin M. Holbrook, who died March 17, 1905, in Boston, was formerly for 12 years in charge of the Law Division of the Department of Public Instruction.

Irving B. Smith, who died May 12, 1906, had been conductor of institutes since 1898, and was formerly principal and school commissioner.

Among the colleges we note these deaths. June 16, 1906, Harrison E. Webster, former president of Union University. He served in the Civil War, and after graduation from Union in 1868 was instructor there till 1883, when he became professor of natural history in Rochester University. In 1888 he became president of Union, remaining till 1894, afterward doing literary work in natural history.

November 9, 1905, David M. Greene, former principal of the Troy Polytechnic Institute.

November 20, 1905, suddenly, of neuralgia of the heart, Ensign McChesney, dean of the college of fine arts, Syracuse University.

In September, 1904, Daniel Wilson Fiske, former professor in Cornell, and a large benefactor of that institution.

January 10, 1905, James Weil Mason, former principal of the Yonkers High School, and of Albany Academy 1863-69, and professor of mathematics in the New York City College 1878-1903.

January 8, 1906, Mrs Helen Hiscock Backus, instructor in Vassar before her marriage to the president of Packer Institute.

June 16, 1906, Joseph Hardcastle, professor of Commerce in New York University.

August 29, 1906, William Buck Dwight, professor of geology at Vassar.

There are these deaths among those who have been principals of normal schools:

February 3, 1905, John M. Milne, principal since 1889 of the Geneseo Normal, the secret of whose success was declared at his funeral to be his advice, "Never ask 'Is it expedient?' but always, 'Is it right?'"

September 23, 1905, Charles D. McLean, former principal of the Brockport Normal.

In August 1904, Joseph A. Allen, first principal of the Fredonia Normal, and long before that principal of the old Syracuse Academy. He was superintendent of the Westboro Reform School for 10 years, and was afterward associated with his brother in the management of a private school at West Newton.

There were three deaths among present and former superintendents:

October 5, 1905, Robert S. Roulston, former principal of the Oneonta High School, who had just taken his place as superintendent at Waterford.

May 3, 1905, William H. Vrooman, former principal and superintendent at Geneva, serving the schools in some capacity from 1853 till he was stricken with paralysis.

March 9, 1906, in Arizona, M. L. Hawley, former superintendent at Binghamton.

Among the city high schools there was the loss of two men not easily replaced:

July 28, 1906, in Lakeville, Oliver D. Clark, first principal of the Curtis High School, New York, and former principal at Victor and

Baldwinsville, going in 1889 to the Boys High School, Brooklyn, as teacher of biology.

February 21, 1905, H. Frank Miner, teacher in the DeWitt Clinton High School, former principal at Skaneateles, 1883-1903.

These Regents principals died in active service:

September 2, 1904, Leon J. Tarbell, Richburg.

In November 1904, George N. Fuller, East Worcester.

January 2, 1906, Emmett C. Miller, St Johnsville.

April 17, 1906, William C. Covert, Morristown.

April 21, 1906, Mother Stanislaus of the Convent of Mercy, Brasher Falls, for 23 years principal of the academies here and at Hogansburg.

Among former Regents principals there were these deaths:

December 20, 1904, in Malone, John I. Gilbert, former principal of Franklin Academy, member of Assembly, State senator and chairman of the committee that investigated and reported favorably upon normal schools. He had been from its opening a trustee of the Potsdam Normal.

February 24, 1905, Joseph Addison Pringle, principal of Owego Academy 1861-69, and afterward of Lowville Academy and of Apalachin Union School.

May 25, 1905, George G. Ryan, principal of no. 118, Brooklyn, and former principal of the Hudson High School.

June 17, 1905, Charles S. Plank, former principal at Waddington and school commissioner, member of Assembly since 1899.

July 3, 1905, Marcus Willson, principal of Canandaigua Academy 1849-53, and a successful textbook author.

July 24, 1905, James Pitcher, former principal of Hartwick Seminary, and afterward a teacher there, and editor of the *Hartwick Seminary Monthly*.

October 4, 1905, at Richford, Charles T. Hunt, former principal at Richford, Apalachin, and Greenwood.

November 9, 1905, William Velasko, principal at Chittenango, 1854-61.

December 7, 1905, the Rev. Julian H. Myers, former principal at Rouse Point and school commissioner.

January 12, 1906, at Washington, D. C., Franklin Moore, principal of the Rome Free Academy 1851-62.

March 14, 1906, John Jacob Anderson, for 20 years principal of a New York grammar school, and afterward author of a series of histories and for years an attendant at this meeting.

May 14, 1906, Dr James E. Kelley, formerly the first principal at South Glens Falls.

July 24, 1906, George W. Atherton, president of State College, Pennsylvania, and former teacher in Albany Academy.

THE NORMAL SCHOOL: ITS MISSION AND ITS HANDICAP

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Modern society holds views that are strongly utilitarian. Its material interests are constantly and forever developing and it hastens promptly to adapt the means at hand to the new and better ends desired. In obedience to this utilitarian drift, society in the form of the State has established and maintains schools, in order, primarily, that it may receive safer and better service—that greater efficiency and therefore increased usefulness and virtue may obtain in all the varied and complicated walks of life. So has developed the professional and technical school of every sort; so has been procured the cooperation of all our educational agencies; so has been brought about enlargements, modifications and correlation of curricula from the kindergarten to the university; so has gradually evolved what we are now pleased to term the teacher's profession out of the nondescript occupation of the schoolmaster who flourished 200 years or more ago.

Through some unaccountable and far-reaching stimulus, great thoughts which inaugurate new epochs seem to kindle spontaneously in many and widely separate places at one time, and the rise of the normal school idea is a case in point. About a century since, both in Europe and America the attention of educational statesmen, aroused no doubt by that great movement at the heart of which lay the newly awakened appreciation of the individual, and which manifested itself in the birth of our own nation, in the Revolution in France and in the new aristocracy of citizenship, began to strongly turn, in the interest of social improvement, toward the training of teachers for the service of the state; and in 1839 was established in our sister commonwealth of Massachusetts the first state normal school on this continent. Today we have some hundreds of them of all sorts and conditions—schools for specialties, subsidized high schools and independent institutions, schools wholly professional, semiacademic, public and private; and affiliated with their purposes in various ways some hundreds more of similar

activities all tending toward the same end—summer schools, cramming schools to prepare for teachers examinations, training classes, training schools for cities, university extension classes, experimental schools and pedagogical departments of colleges.

Verily the occupation of the teacher would seem to be making giant strides along the high road to a profession and to be rapidly nearing its goal. But notwithstanding these advantages, even an imperfect survey of the situation must tend to create the conviction that this occupation, so far as public school teaching is concerned, by virtue of a few very simple and easily apparent reasons, which have little to do with my present purpose, is nevertheless jogging along the route to professionalism, with much rumble and noise to be sure, but at a very moderate pace after all; and it may be pertinent in passing to remark that these conspicuous reasons are chiefly three in number: (1) a payment inadequate to induce the highest talent to engage in this employment as a life work, and to give it the social recognition and the outward dignity which a profession rightfully demands and imperatively needs; (2) an insecurity of tenure due to the whims and caprices of society, if not to considerations still more unworthy, which has unfortunately contributed to make the teacher notoriously a rover; and (3) the fact that in large part at least it is given over to young women who from the very nature of things are not accustomed to regard it as a life occupation, but, properly enough, are looking forward to the earliest convenient establishment of a home.

These reasons it is impossible for a normal school or any other professional institution to nullify or to entirely change. And yet the means of their removal should be anxiously sought by every agency available, because the profession of teaching has great need of spirited men and women and has little of a durable nature to expect from him who does not feel the freedom to be himself, who is liable to undergo the humiliation of a journeyman employee upon the most trivial pretexts, whose wage will not encourage him to make the fullest possible preparation for his labor and who does not accept it as the permanent and most serious business of his life. To lend its strength in common with every other interest of its kind, of high or low degree, to elevate the sentiment and enlarge the power of teachers, and to dignify their work in the eyes of all mankind until in consequence of both it shall no more be deemed a trade alone, is the brief and vaguely stated mission of the normal school.

Whether the normal school has accomplished enough toward the fulfilment of this purpose, whether in the upper trend of educational affairs which has undeniably and distinctly manifested itself, the normal school has been a factor sufficiently personal and great to justify the expenditure for its maintenance, has been the subject of much dispute. In New York the normal school idea has sometimes met the active opposition even of the Board of Regents. Since its practical introduction, these institutions have upon occasion embraced within their experience the open hostility of the chief executive. Their usefulness has been investigated by committees in search of inefficiency. State Superintendents of Public Instruction have more than once regarded them as a thorn in the official flesh. When they were limited to one or two, all things went well; the sky remained serene. But when their increase and development on a larger scale took place, then the clouds began to darken and the chase was on. Aspiring high schools and old line academies in pressing need of rejuvenation have characterized them with bitter invective as interloping and extravagant appendages to our educational machinery — political institutions designed to do a work which *they* could do as well. Legislatures have grudgingly supported while they have not ventured to abandon them. Colleges have viewed them with distrust as seducers of their patronage, and have treated them with studied contempt while, at the same time, recognizing their claims for useful and popular existence, they have set about organizing departments of their own to meet something of their declared purposes. These schools have known what it is at times to be the victims of suspicion and misrepresentation, of selfishness and jealousy. But they have always met the staunch support of the common people. The masses have evidently believed in them and they have gone on prosperously, opening up avenues of usefulness to the children of the middle classes and sending out multitudes of young representatives who have reflected magnificently the work to which they have devoted themselves. The wonder is, all things considered, that they have succeeded so well, and had they not possessed a mission of some moment to professional education, it would have been impossible. But if I read the signs aright, the day of such dispute is past and the time has come when the usefulness of the normal school shall be freely and gratefully acknowledged by all, and when as an institution it shall be rescued from the somewhat anomalous position it has been forced to hold and shall be given some organic articulation with the State's system of education as a whole. This anomalous position and the lack of

organic articulation have for many years and until very lately been among the most serious handicaps with which the normal school has had to cope.

But the normal school has need to remember that the world is moving and with acceleration. These are materialistic days. Articles of faith are not alone sufficient in themselves to claim prolonged attention. Glittering professions and general purposes, no matter how inspiring they may be, possess a short-lived interest and are readily ignored beneath the stress of rapid, vital circumstances. For value received, today, is an insistent principle everywhere and "What can you do which no one else can do as well?" is a foremost question. Institutions, like men, must fight for distinguished existence and vindicate their pretensions to superiority by the work which they perform or lose prestige and disappear. In our own field of education, to promote culture, to develop power, to build character, to effect harmony with the great and admirable, to educate, are the acme of vague propositions leading nowhere of themselves, and the critical world will have none of them save when coupled with the performance of specific things, calculated to accomplish these results, and which are tangible, capable of analysis and effective. Every enterprise to be successful must possess distinct objective purposes of which it never loses sight, and to retain the confidence even of its friends must be at all times answerable to every reasonable test of these objectives but at the same time, to make commendable headway it should not feel compelled forever to occupy defensive positions and to stagnate behind intrenchments. Worthy general purposes may not change in character but the means of accomplishing them often do. Fickle conditions, unstable environment and a broadening outlook may render necessary new adjustments to satisfy them. This is the unavoidable history of every progressive movement, and the history of the normal school is no exception.

What then is the mission of the normal school and what are the problems it must solve? How shall it fulfil its mission and how shall it meet its problems? These are questions which are being pointedly asked on every side and an answer is demanded both by friends and foes alike. Sixty years ago its mission was unequivocally declared to be the preparation of teachers for the common schools and so far as I am aware that delegated function never yet has changed. Such was the platform upon which it had its birth and such it remains today but with the added significance of 60 years of progress. If the normal school has ever been consciously

tempted away from this immediate duty, as it is sometimes claimed, but which I most seriously doubt, it has been, of course, to the sacrifice of its own strength as an institution, and has been due to exploitation of selfish interests, to ambitious arrogance somewhere in its management or a weak yielding to the whisperings of vanity; and has been to that extent a betrayer of the public trust.

During the early years of its history in New York it certainly adhered quite closely to the original policy as defined by its promoters, and from the nature of the case, when scholarship was not emphasized as a requisite for entrance, that policy was forced into exceedingly narrow grooves; and it soon became evident that to meet the deficiencies of academic qualifications among its patrons, the scope of its functions ought to be enlarged. Then opened a new era for the normal schools of this State which has lasted until very recently, in which, owing to scarce convenient facilities for secondary education and to lack of adequate equipment elsewhere, they undertook the dangerous experiment of providing appropriate academic instruction of high grade, as well. I say *dangerous* advisedly, meaning dangerous to the fundamental purpose of training skilful teachers for the common schools, for I have never known a normal school in which this academic idea prevailed where the teachers of subject-matter did not command the highest salaries and were not clearly considered superior to the remainder of the staff, and which as a legitimate and inevitable outcome of such a policy was not three fourths a high school and one fourth a training school. This assuredly was not the object contemplated in their foundation and in these times when high school opportunities are so accessible and frequent can not be justified upon grounds of reasonable economy.

Then too, the atmosphere of study for academic knowledge, requiring close application to subject-matter with the possibility of failure upon examination in prospect, is not conducive to the mastery of the science and art of teaching as such, and never can be. One consideration or the other is bound to suffer in the end, and which it will be the conventional traditions of schools and the ordinary composition of faculties make it easy to conclude. This was a chief source of weakness in the teachers class of the old academy which often made a farce and a burlesque of a thing from which so much of value was hoped for and expected. No doubt this has been a natural and necessary element of weakness in the strictly professional aspect even of those normal schools among us which are justly entitled to great praise for the efficiency they have

achieved. No matter what befitting attributes of scholarship and the maturity which comes from rigid academic training a teacher should possess — without regard to the needfulness of these qualities, which will pass unquestioned — to provide them can no longer be accounted the real specific province of the normal school.

The logical mission of the normal school is to supplement the scholastic agencies which are so generously provided in a public way with a definite preparation for teachers who are to engage in the immediate service of the State. It is a technical school with a professional purpose. It is in no sense a college preparatory school *per se* nor ought it to be such. Unless in accord with a private obligation unwisely contracted by the State and which can not be avoided, the student who upon graduation intends at once to enter a college has no business there. Otherwise the clamorous protest against subsidy, extravagance and unfair discrimination by the State, which has been so often urged on the part of other schools, is well taken and deserves respectful attention; while at the same time it is logically safe to assume for the normal school itself that in the long run divided interest in operation can result in but little more than mediocrity of product. Clearly then, in my opinion, the normal school should devote itself to the prosecution of its own peculiar and appropriate business and neither borrow trouble about nor seek to interfere in the established business of secondary schools.

But what is this characteristic business and how shall it definitely discharge its bond? In the first place, save within very modest limits and covering an innocent range, the normal school has no valid claim to pose as an institution for experiment. It should be of all things a school of positive and well settled convictions based upon respectable experience and the common agreement of educational authority. Its pupils have the right to demand that in matters relating to their future profession they be made familiar in the quickest time and most thorough manner with what mankind has declared to be the truth. Excessive experimentation enfeebles the object of the normal school, and is either an affectation of contempt for the conclusions of philosophic predecessors or a wasteful expenditure of time and energy in seeking to acquire at first-hand the legacy to which we are entitled by inheritance. Let experimentation proceed by all means but *elsewhere*, in its own name, under suitable auspices and for its own definite purposes. The normal school is only interested in its final issues. In its processes it has no concern.

In the second place the normal school was not ordained to herald new departures. It should be essentially a conservative force in education. While viewing with the fullest sympathy whatever honestly aims to advance the cause of youthful training, it should sit in quiet judgment until its superiority as a means has been fully proved. It should be the safe and consistent depository of all that experience has demonstrated to be the best in the science of elementary education, nor allow itself to be betrayed by fakirs and charlatans in pedagogy. Its function is hardly that of leadership in the system of the State, for that would be a task which might defeat its own accomplishment. The assumption of leadership by the normal school as it might individually construe leadership would be too likely to result in a most unhappy and chaotic spectacle. But to keep well abreast of the system, to assist in its development and to be its index and interpreter should be its duty and design.

Permit me now to mention some of the technical and particular purposes which in my judgment the normal school as a social agent is under obligations to fulfil. These purposes are never independent and distinct from one another but blend into a certain composite kind of product which gives its character to the school. I shall make no attempt to speak of these purposes in the order of their importance because they are all of such importance that degrees of comparison are immaterial.

In the first place it should provide for its pupils an environment of cultivation and refinement. There should be schoolrooms scrupulously clean, well ordered and well lighted. There should be excellent furniture, comfortable and well kept. No evidence of disrepair should be permitted to exist. There should be an unmistakable flavor of the genuinely artistic everywhere. There should be choice pictures on tastefully tinted walls. There should be plants and flowers in abundance. There should be works of art. There should be the best of music. The most distinguished speakers and readers should be heard. There should be carefully selected books and magazines, easy of access, with skilful persons to advise and assist in their use. There should be well dressed teachers, deeply appreciative of all these things, to emphasize their significance in a thousand different ways. Every graduate from such a school should become an apostle of beauty and cleanliness and taste in the world. Scholarship is of course important; knowledge a factor indispensable; but these are things of the intellect and intellect alone is a cold, barren and unproductive influence in which the real strength

of a great teacher may not even chiefly exist. In truth few teachers fail because they do not know enough. Mere information when needed is so easy to obtain, and its mere possession is oftentimes so useless when acquired that he who ceases with the effort to impart it and thinks his labor done will accomplish but little for the 20th century school. His actual mission has only just commenced. Unless he can direct, transform and galvanize the intellectual power developed in the conscious effort after information, into that other and emotional power which can understand those higher forms of expression in which the great leaders of human evolution have revealed themselves, he has fallen far short of what his own ideals should be. To do these things is not an easy task nor is it reducible to formal rules. We may only say that the product is a flower which blossoms sweetly in self-activity, self-interpretation and self-expression which may be stimulated into fragrant growth in multitudinous ways but only by him into the fabric of whose being have been woven the bright enduring threads of high artistic vision. All the work of the normal school, then, and every phase of its daily life should be strongly tintured with the artistic element and its moral and ethical concomitants. Every student should above all things be ordained to preach the gospel of culture and right living.

In the second place the normal school should create and maintain a spirit of high professionalism. This it must insist upon securing. Without this it has no stock in trade and is liable to and deserving of impeachment as a pretender and a fraud. By a spirit of professionalism I mean an exalted sense of the nature of that engagement to which the school, its faculty and its students have subscribed. I mean the sentiment of earnestness and devotion in the labor of preparation for a chosen service and a vivid comprehension of what that service is. I mean a lofty conception of duty in the premises and a singleness of purpose in fulfilling it. I mean ambition to excel in the mastery of its technic. I mean a high ideal of the noblesse oblige of this profession and an honest acceptance of its claims. The spirit of professionalism is not a thing of books alone. It can not be communicated by merely academic culture. It is lifeless yet. It is born of reflection in the deep and silent recesses of the self. It is inspired by a contemplative purpose in the presence of overmastering excellence. It is the yearning to understand and emulate the greatness of a superior model. And so to accomplish this result the normal school must employ as teachers superlative men and women of profound cul-

ture, broad of outlook and experience, of reverent mind, magnetic of character, devoted in purpose, whose principle of action is comprehended in the language of St Paul, "This one thing I do."

In the third place it is not only the duty of the normal school to give viewpoint and perspective and to awaken a proper attitude toward the profession of teaching but also to emphasize the simple psychological laws of presentation and control, and, through *method* in type form, to elicit a keen analytic treatment of subject-matter. But for psychology in the abstract as a topic in the normal school I have little regard. In general, as currently conducted, it has slight practical bearing upon the matters in hand, and when treated elaborately it is one of the most unproductive subjects in the curriculum. Likewise I have fully as little regard for claptrap method in the form of devices and taught slanderously in method's name. The graduates of secondary schools, by virtue of their own conscious life thus far, are in possession already of a vast fund of psychological information, unrecognized as such perhaps and unclassified surely, but which when need arises can be easily and quickly marshaled into form; and with the complicated *notation* of psychology they have, I take it, little real concern. So, too, a method studiously arranged and decorated in detail for another's use and presented as a thing apart, is apt to be a dead and pulseless piece of juggling. Formal method should be an affair of broad and generous boundaries and should deal with ample sources and with liberal aims. The details of method and the use of means is rather a matter of earnest apprenticeship to a wise and skilful teacher, who knows the canons of the art with which he deals, can communicate something of that skill unto his follower and has a sympathetic interest in its development. These details should be the expression of individuality striving along right lines. Therein is comprised the alchemy which transforms the plodding effort to remember and imitate into brilliant industry through the use of brains. I have no hesitation whatever in declaring that the department of methods with its single teacher, covering in full particulars the entire field of elementary instruction, which has been a long tradition now happily disappearing in the normal school, with all its fussiness and its waste of energy at the pencil's point, is a delusion and a snare — an abomination in the sight of 20th century progress. The normal school has greater things than these to do.

In the fourth place it is the business of the normal school to familiarize its pupils with the latest manifestations of educational thought and to vitalize their interest greatly in those considerations

which are bound to modify the immediate future of the common schools as agents of social preservation as well as social advancement. It must teach the urgent necessity of physical culture in order that the race may live and to arrest the rapid physical deterioration which always accompanies material prosperity, and which makes it difficult if not impossible to find a child of the fourth or fifth generation of parents wholly reared in towns and cities. In child study, among other things, it must unfold the philosophy of play in all its forms as a coordinator of mental and bodily powers, the promoter of energy and strength of character, the developer of executive capacity and the revealer of individual responsibility. It must impress the claims of representative art including music as among the highest modes of self-expression, with its capacity to make the child observant, to excite his originality, to set astir his imaginative judgment, to inspire in him sublimer thoughts, to enlarge his bounds of happiness and to discover him unto himself. It must set forth clearly the scope and function of nature study and teach that human life is vastly enriched and sweetened and invigorated, not so much by the school man's knowledge of, as by an intimate personal acquaintance with the outward forms of nature; that the *love* of nature must be the incentive in seeking for information concerning her and that a revelation of the loveliness, the purity, the gentleness and the grandeur of her forces must precede the classification of her phenomena. It should instruct in the utility of the school garden and of every other recognized expedient which may stimulate an interest in the teeming life of Mother Earth and an appreciation of the useful and beautiful things, both animate and inanimate, that abound in the great free out-of-doors — that ultimate storehouse of strength and happiness, that treasury of vigor and renewal for all humanity.

It should lay particular emphasis upon the industrial tendency of the times. The irresistible bent of modern psychology is toward the conclusion that mental processes are based upon and conditioned by the processes of sense and that the intellectual fabric is erected upon and built up through the physical; that thinking, even of the most abstract kind, is in a very large degree dependent, both remotely and immediately, upon a happy adjustment of nerves, muscles and stimuli; that sense training is always a prerequisite to the highest form of intellectual education and a necessary accompaniment to it everywhere. This belief has already materially modified the character of pedagogical practice. It is chiefly responsible for what we are pleased to call the "new education." Out of it has

been developed the firmly established educational doctrine which expresses itself in the maxim "Learn to do by doing." From it the methods which we call "laboratory" and "library" derive their force. There is scarcely a phase of the teacher's experience which has not felt its influence. In it we may find a reason for the rapid growth of the kindergarten idea; for the greatly changed and better methods of primary instruction; for the introduction of nature study in schools; for the attention being paid to the cultivation of music; for the care bestowed upon training in form, color and drawing; for inductive processes generally; and for the establishment of manual training departments.

In all these matters to which I am alluding other considerations besides sense training, and many of them complex, are involved, but fundamentally in them all sense training and sense control are of vital concern as a means to an end. They are all, pedagogically speaking, along the same general line, and we have the same grounds for questioning the efficacy of any one of them for the purpose intended in education that we have for questioning the efficacy of manual training. In teaching circles much is said about correlation, which simply means the centralizing of knowledge gained from several sources and bringing it to bear upon the act of apperceiving those impressions which are gained from some additional source. Correlation is important in theory and in practice confessedly good.

Manual training does a work similar to this in its own peculiar field. It trains the senses and what is more to the point it coordinates them toward a common aim and as this training grows into handicraft the senses are habitually brought into focus so as to be most effectually employed upon the object in view. This coordination of the sensor and motor systems in any exhibition of handicraft skill has a distinct and important bearing upon the power of exact thought. There exists a close mutual relation between the ability to think accurately and to perform skilfully. It is safe to say that the man who thinks with exactness will usually be found in possession of some handicraft which he enjoys and which he is able to practise with skill. The most exact thinkers in the world are the great scientists who are recognized as authorities; and it is significant to remember that each one of these must have become expert in some one or more branches of physical manipulation and that it was by and through this expertness that he became entitled to his eminence.

If there is anything at all in this theory then there is cause for claiming the assistance of manual training as an economical factor in that which every school engages to accomplish — the cultivation

of true processes of thought. But the essential element in handicraft which makes for better thinking is skill and it should be so conducted that skill may be the outcome. This accords with the admitted principle that instruction in reading, writing, arithmetic, language and all the subjects which have direct relation to the common arts of human life, is comparatively valueless unless it results in accuracy and facility in actual use and practice.

Another feature of the question also which deserves consideration by the normal school is its social aspect. There is reason to fear that among our boys and girls is found an increasing disposition to shrink from the performance of what we call the "humble duties" of life. The situation is already serious and the responsibility of the teacher in expounding the dignity of human labor is becoming heavier every day. Now there is nothing which dignifies the labor of the hands so much as skill, for skill demonstrates that the "brain of labor is stronger than its muscles." Let the normal school do what it can to promulgate the doctrine of industrial training as a means of dignifying the labor of the hands and making it a less repulsive thing to our young men and women; let it contradict the notion which the college fetish is likely to invoke, that education in itself is aristocratic, and dwell with greater force upon the aristocracy of usefulness; let it propagate the sentiment among its pupils and by them throughout society, that a lady should lose no caste when presiding in person over her own kitchen and that a gentleman is a gentleman none the less when he wears a workman's blouse.

All these things and more of corresponding tenor the normal school must do specifically and well. Not *for* them but for *lack* of them must it apologize, for it is a prompter behind the wings, and these are of the things which dress the stage and animate the players in the great drama of expanding youthful life. The denouement of the drama in which it takes a little part should be a wider cultivation and a more versatile power in a wiser, better, happier race.

But the normal school, unfortunately perhaps, from the nature of its organization, support and control is peculiarly exposed to certain ills which are not organic but functional, which may not develop at all, but which if permitted to do so and to become chronic will surely terminate in disease and impair its health and efficiency.

1 The normal school is subject to divided authority and even the highest courts have not been unanimously agreed upon the exact location of the dividing line. One side of this twofold authority makes education a business and the other side has business of another kind. This division is not regrettable so long as both sides unite

with a singleness of motive. But when the contrary happens as it sometimes has — when open hostility or lack of concord exists — the peace and progress of the school are seriously menaced.

2 The normal school is compelled to feed at the public crib and may conceivably suffer from ungenerous portions. This is flagrantly true in states which could be mentioned. In our own State also it has been true although it must in fairness be conceded that with a field less comprehensive and more conformable to its purpose the New York State normal-school is by no means a starveling.

3 At first glance the normal school would seem to present an eleemosynary aspect. This is not real however, although it has been the occasion of many gibes. For the normal school to yield assent in any way to such a claim would be a most unwarrantable and dangerous thing to do. It should not be thought of as in any sense a cheap school for impecunious people. A purely business principle is involved — a grub stake proposition — and the State as the party of the first part should extend the privilege of the contract only to those whose health, energy, intelligence, adaptability and character are a reasonable guaranty that a profitable dividend shall be returned.

4 The normal school, in some slight part at least, is a political institution with patronage to dispense. No matter how deeply impressed with the importance of its mission and its duty in the realm of education the locality which has urged and secured the act of its establishment may profess to be, that locality is *more* deeply impressed with the prospect of material gain. The normal school is a productive institution of vast consequence to a little town. A host of beneficiaries colonize about it and are not always free from selfish promptings or unwilling to sacrifice the remoter interests of the State to the nearer ones at home. Its faculty room might become a pleasant and convenient asylum for representatives of decayed and needy families in the place. Great numbers of students are supposed to be desirable because each of these would leave some hundreds of dollars in circulation thereabout; and therefore great numbers of students might be enticed upon various illegitimate pretexts or false pretenses for which the State could not stand sponsor. Then, too, its maintenance funds might be diverted or squandered in divers public-spirited ways to serve the local welfare. And that these things are not allowed to happen is sure to leave some spirits, notwithstanding their more thoughtful judgment, disappointed and resentful. It is the bounden duty of the State, in all matters pertaining to the normal school, to post conspicuously before the eyes of greed the peremptory legend, "Hands off."

Such is the mission and such the handicap of normal schools as I conceive them. With their mission fostered and their handicaps removed or forced to be inoperative, with their place defined and unworthy competition made of no avail, with a student body more homogeneous and a field less overgrown, with classes more befitting their facilities, with college and high school prejudice removed, with their energies all bent toward their distinctive purposes, their present day function will be of greater usefulness and their future more unchallenged than their past.

PROBLEMS OF EDUCATIONAL ADMINISTRATION

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By every token education is a dominant interest with the nations of today. Education in the large sense of the word, not mere school teaching, is a chief charge upon the public treasuries everywhere; it is debated as earnestly, indeed sometimes as violently, as was philosophy by the Athenians of Pericles or the rights of man by the frequenters of the salons in the days of Diderot and Rousseau. Since home rule, no public question has so shaken England as that of education. Prussia, after a violent struggle, has enacted a new elementary school law; and it would not be hard to prove that the present controversy between church and state in France is a sequel of the educational debates of a quarter century ago.

It is by no means clear to every one that the fundamental assumption which underlies this present day interest in education is correct. This tacit assumption is that as children are trained, so will they remain; that what they learn they will remember and use. One social reform movement after another seeks to make use of the schools, because all social reform movements make this assumption. Yet the shocking and vulgar English that one hears on every hand is too often spoken by men and women who as boys and girls were taught the spoken and written language correctly. From 1850 to 1880 the elementary schools of France were almost wholly under clerical, or at least religious, influence; and yet it was the boys there trained who, as men, made possible by their voices and their votes the successful attack on religion in the schools which made Paul Bert famous. Evidently there are some missing factors that must be reckoned with. The parable of the sower might have given a hint as to where to look for an explanation of some obvious facts, but it has not often been resorted to for that purpose. Not all seed

falls into good ground and brings forth fruit; the wayside, the stony places, and the thorns still exist in human minds and in human hearts.

Quite apart, however, from the dubious character of this underlying assumption, the dominant interest in education remains an uncontested fact.

To meet the cost and to control the policy of education have almost everywhere become, at least in large part, functions of government. In a democracy a government, to be truly representative, must work for the accomplishment of a people's highest ideals, and it must also reflect the public opinion of the state or nation whose government it is. The more highly civilized men are, the more closely will these two aims harmonize.

Just here lies the first and chief problem of all educational administration. It must, to be genuinely efficient, seek the highest aims; to be representative and to gain support, it must reflect public opinion. To do both at once is not always easy; sometimes perhaps it is not even possible. It is plain, however, that within certain limits men wish and expect schools to do better for their children than they have been able to do for themselves. At intervals a parent is found who thinks — or at least, who says — that what was good enough for him ought to be good enough for his children; but he is an exception. In the vast majority of cases, parents wish the very best for their children, regardless of what their own experience may have been. A community of Fagins would hardly maintain a school system whose aim was to turn their children into "artful dodgers." On the contrary, they would be quite likely to insist on the teaching of the Shorter Catechism, perhaps even on "scientific temperance."

The farsighted administrator of education recognizes these facts and makes his appeal to the higher and larger nature of man. We Americans have not been generally considered an idealistic people; yet nowhere in the world has a truly spiritual view and interpretation of education been so influential as among us. For 40 years every important leader of American educational thought has been expounding education as a phase of spiritual evolution, and today that philosophy is absolutely controlling, consciously or unconsciously, in tens of thousands of American schoolrooms. It vitalizes the kindergartens and the elementary schools in every corner of the land. It reaches up into secondary schools and occasionally even into a college. It is the one true view, and upon it as a cornerstone educational administration must build.

This point is mentioned first, because not infrequently educational administration comes to be looked on as an end in itself, instead of merely as a means to an end. The end is the ideal aim of education, not the machinery by which that aim is sought. Some wit has defined administration as doing extremely well what should not be done at all. That wit is in the way of being an anarchist, but when one sees the elaborate and costly machines that are sometimes built to crack eggs with very thin shells, he feels like urging the wit on just a little.

In my view, therefore, the first and chief problem of educational administration, whether of a school system or of a single institution, is to seize intelligent hold of the conception of education as a phase of spiritual evolution of the individual and of the race, and to labor earnestly and unceasingly for the support, the extension, and the effective working out of this conception. This conception of education will vitalize all administrative machinery. Without it, the administrative procedure becomes dull, routine, and sterile.

Let us fix our eyes for a moment upon our own State. It is truly an empire. Within its borders are gathered 8,000,000 human beings, coming themselves or through ancestry, from every corner of the earth. All races, all tongues, all forms of religious and political belief, all sorts and kinds of industry and commerce are represented among them. The small farmer, living remote from telegraph or railroad, and the captain of industry or finance with his hand and eye on the markets and exchanges of the world, are alike on our rolls of citizenship. Guiding and controlling this composite body politic is a set of traditions, ideas, and ideals, which are recognized everywhere as American, grown in our case out of Dutch and English beginnings. Our body politic, huge and composite as it is, and various and complicated as are its interests, is a political unity and a political unit. It is a commonwealth, a State, with its share of American sovereignty.

This body politic, among other things, sets itself the task of educating its children. A system of educational administration is at once called into being; and it is only the administrator who understands these presuppositions, who can be trusted successfully to solve its problems.

Our State has an educational system which is made up of three elements:

The first element is the schools, institutions, and undertakings of every form and type which are supported by public tax and which are immediately controlled by public officials.

The second element is the schools, institutions, and undertakings of every form and type, which, while neither supported by public tax nor immediately controlled by public officials, are established and maintained by the State's authority and permission, granted either by specific legislative enactment or in pursuance of general provisions of law. Both these elements of the educational system are public in the full sense of the word. They represent the public judgment, and base their existence directly on public authority exercised through government. The fact that one of these elements is tax-supported and the other not, that one is directly controlled by public officials and the other not, simply indicates that the State stands in a somewhat different relation to each, not that it stands in a definite relation to the one and has no relation to the other. In a civilized community a private university, for example, ought to be as unthinkable as a private legislature or a private court of appeals.

The third element in the educational system is, however, private. It includes the schools, institutions, and undertakings which are without specific governmental sanction or authority, but which exist because they are not forbidden. They fall within the sphere of liberty, not within the sphere of government, which two spheres added together make up the entire activity of the State. These are the private educational institutions and undertakings of our State; for while the State through its government holds itself free to enter upon any part of the educational field, it puts no obstacle in the way of its citizens doing the same thing, whether as individuals or as groups.

Perhaps the remainder of the entire problem of educational administration in the State of New York may be summed up by saying that it is to secure the highest efficiency of all three of these elements in the educational system and their increasing cooperation. The ways and means by which the Department of Education will proceed to secure efficiency and cooperation will differ according as its efforts are directed toward one or another of the three classes of institutions. With the third or private element in the State's educational system, the influence of the Department of Education will be exercised by persuasion, by conveying information, and by holding up ideals. With the first and second elements, the Department of Education may deal more directly in ways which are fully set out in the statutes of the State and in ordinances adopted in conformity thereto by the Regents of the University of the State of New York. * Within the limits of the class of institutions first

named, those supported by public tax, the authority of the Department of Education is direct and unquestioned.

It is of prime importance to recognize and to compel recognition of the fact that each one of these three elements in the State's educational system owes a responsibility to the public. Because a school is a purely private undertaking, even if it is conducted entirely or largely for gain, it should not be overlooked or neglected. The State's officials may not compel improvements, but they should not withhold counsel and stimulus. The same may be said in regard to the second element in the educational system. The ways in which the State's officials may directly control the working of these institutions are not many. Nevertheless, these institutions constitute a numerous and important body of educational workers and they represent a powerful educational opinion.

When any exercise of the central authority is contemplated, however, the fact will always be borne in mind that local self-government is an element of prime importance in the institutions of our people. Those schools will flourish most vigorously and will exercise the widest influence, which respond to local needs and which are under local or neighborhood control. The wise central authority, therefore, seeks not to supplant local initiative and local control, but to develop, to strengthen, and when necessary, to supplement them. It would doubtless be possible to secure a very desirable efficiency and a very undesirable uniformity in the schools of the State by vigorous exercise of central authority, but these schools would cease in large measure to be truly public schools. They would cease to represent the best public opinion of their localities and they would fail to enlist warm public sympathy and support. They would seem to be alien things grafted on to a community's life, and not the full and rich flower of that life. Sometimes it is necessary to bear with a temporary evil in order to secure a larger and permanent good. There are many short cuts to reform by exercise of autocratic power. Reforms autocratically effected do not, however, often last long. When the support of authority is withdrawn, the fabric erected by its aid falls to the ground.

On the other hand, it must never be forgotten that in addition to being residents of a locality, we are citizens of a State. It is to the sovereignty of that State that we appeal, and not to any power legally inherent in the residents of a locality, when we ask for a public tax to support public education. It is the State, therefore, in all its unity, which is underneath and behind every tax-supported

educational institution within its bounds. The State's authority has been invoked to bring the school into being and the State's authority must be invoked to keep it efficient. It is the citizenship of the entire State which suffers through the illiteracy, the ignorance, or the vice of a part of its citizenship. It is of little value to the residents of one county to be intelligent, law-abiding, and eager in support of schools, if their influence is counterbalanced by that of the residents of another county who are in large part illiterate, boisterous, and contemptuous of education.

Just here lies one of the difficult tasks of educational statesmanship. The administrator must know when it is wise for central authority to be exercised directly and when it is wise to withhold its exercise that local initiative and control may be developed and strengthened. In a sense, communities may be said to be wards of the State. The State fixes the minimum standard of scholastic excellence and the minimum standard of efficiency in every part of the school's work. When the locality maintains or surpasses that minimum standard, the State may well refrain from interference with its activities. When, on the other hand, a community falls short of such standards, then the State's officials must vigorously intervene to bring the schools of that locality up to the mark.

A prime consideration in dealing with the efficiency of an educational system is the material factor, finance. Is a state, or a community, raising enough money for schools to provide buildings in sufficient number and of proper character, to secure adequate and properly prepared teachers, to maintain an effective system of supervision? All over this State, particularly in the urban communities, the expenditures for public education are very large; yet he would be a bold man who would say that our schools are in all respects well provided for. Even when the school buildings are sufficient in number and of proper character, the salaries of teachers are on a scale that suggests missionary work rather than professional service requiring careful preparation and long special training. Some day we Americans will have to face the question whether under existing systems of taxation and the distribution of taxes, communities, particularly the larger ones, can really afford to give their children the education which present day standards suggest and demand. Few states can follow the example of New Jersey, which out of the surplus revenue received from franchise and corporation taxes, is able to make allotments to counties and towns in aid of the schools. The readjustment which must surely come before there can be any really important increase in teachers'

salaries generally, will, in my judgment, come more quickly if we fix our attention on a wider and better preparation for the work of teaching rather than agitate for larger salaries regardless of standards of professional preparation. To be worth more is the easiest way to get more. In every other branch of professional activity, more adequate preparation and demonstrated success are almost a guaranty of increased compensation. Why should teaching be a permanent exception to this rule?

The wise administrator of education will study carefully the financial aspect of his problem. He will examine and consider the sources from which the revenues for education are derived, and he will know when those sources are yielding all that can equitably be demanded of them. He will temper the insistence of his demands upon the Legislature with reasonableness. He will insist upon that economy which is becoming in the expenditure of all public funds. Mr Gladstone when Chancellor of the Exchequer was not afraid to say that economy was the first and great article of his financial creed. In an impressive passage Mr Lecky once wrote:

Nations seldom realize till too late how prominent a part a sound system of finance holds among the vital elements of national stability and well being; how few political changes are worth purchasing by its sacrifice; how widely and seriously human happiness is affected by the downfall or the perturbation of national credit, or by excessive, injudicious, and unjust taxation.

In our zeal for education we must not overlook the dictates of a sound system of public finance. The form of our national and State government does not lend itself to scientific budgets or to any other than a haphazard system of financial administration. We are far behind England, and also behind France and Germany, in this respect. We take little thought of tomorrow and not too much thought of today. Get all you can and spend all you get, is a popular maxim; but it is not a wise or a statesmanlike one. Educational administration in pursuit of a high purpose can not adopt it as a controlling principle. The material resources of the people and the equitable distribution of public burdens among them are always to be reckoned with.

It is part of the business of educational administration, moreover, to protect and honor that elusive but all important thing called personality. Thomas Arnold, who possessed it in high degree and whose fame rests upon his possession of it, once wrote in quest of a teacher and said: "I want a man who is a Christian and a gentleman, and one who has common sense and understands boys.

I prefer activity of mind and interest to high scholarship; for the one may be acquired far more easily than the other. Then he should have sufficient vigor of mind and thirst for knowledge to persist in adding to his own stores without neglecting the full improvement of those whom he is teaching." We can not have too many such men and women as Dr Arnold describes in the teaching profession. It is farthest from my thought to decry scholarship, but scholarship, like charity, sometimes covers a multitude of sins. It is one, but not the sole, qualification of a teacher. In attempting to do evenhanded justice among a large number of candidates and to bring order out of chaos in the appointment and advancement of teachers, systems of competitive examination have been devised which must be watched with scrupulous care, lest they defeat their purpose. Personality will often irradiate a schoolroom and touch every mind and heart in it, when mere scholarship would chill and repel. No administrative excuse can be accepted in extenuation of the neglect of personality as a factor in the equipment of the teacher. If personality be neglected, the schools will soon become treadmills.

Yet another task of the administrator is to keep steadily before his constituency and before the public at large the conception of teaching as a professional service rendered not only to the particular school or college, but to the people as a whole. Teachers are public servants in every sense, and are entitled to regard and esteem as such. To treat a teaching position as a job, to be bestowed upon the needy or handed out to a friend competent or incompetent, is to debase and degrade education. Only a little less humiliating is the notion that "home talent" is to be preferred in the service of the schools, regardless of relative merit. This notion is especially comic in a country like our own, with a population of unusual instability, where almost every other person one meets has recently come from somewhere else. It is not many months since the city of Baltimore — prosperous, intelligent, the seat of a university of world-wide fame — lost the services of a most competent school officer because of the vigorous outcry of the newspapers and the small politicians against an "outsider." Their conception of the post to be filled was that it was a job, not a place of professional dignity and responsibility. These vagaries will be outgrown as our civilization matures, and as the teaching profession comes to take its proper place not only on the lips but in the minds and hearts of the general public.

The educational administrator has before him a statesman's task. He deals day by day with great human forces and with interests of surpassing importance. His wisest work often produces little immediate result. He is building for the future and its hopes. If he is truly an educational administrator, not a tyro, he is not at sea drifting without chart or compass. He conceives education as a phase of spiritual evolution and as the means whereby the race perpetuates both its achievements and its ideals. By the standard of that conception, he measures all his acts and policies. He bends every energy to secure fullest cooperation between every element of the system or institution confided to his directing care, and to make them all efficient in their several tasks. He studies the resources at his disposal and so orders them that the public gains the largest service at the least cost. He throws his protecting arms about personality whenever he finds it, and assists its free expression and exercise. He teaches and illustrates in countless ways that teaching is truly a profession and that it may not be subordinated to selfish or partizan ends. He counsels, informs, and assists; he never compels or commands, save as a last resort and when vital interests are endangered. He must be ready and willing to take responsibility. His only masters, under the law or his grant of authority, must be his reason and his conscience.

COOPERATIVE FORCES IN EDUCATION

RT. REV. MONSIGNOR M. J. LAVELLE V. G., NEW YORK

On the principle that each one can contribute most to the fund of knowledge and wisdom this gathering is calculated to produce by speaking on the topic with which he is most thoroughly conversant, I address you today on one of the classes of schools, to which President Butler so eloquently alluded in his speech, the various educational forces that have grown up outside the excellent system devised and supported by the State; forces springing from warm hearts, fervid brains and generous hands; of which some have guided, others have stimulated, and all have substantially aided the commonwealth in the wisest and noblest work ever undertaken by political government, that of enriching with education the homes and hearts of our American people. Let me hope that the subject will prove welcome, interesting and useful.

On the one hand, we are all aware that our educational system, like everything else, is capable of constant and great development; and we are not only willing but desirous to hear discussed all its

phases and possibilities. On the other hand, I am certain that those engaged in the cooperative work have the highest respect and admiration for the public school system of the nation, and of this State in particular, which you so ably represent; that they regard it as the great leveler, not down but up—as the great assimilator, taking the children of all the foreign climes who seek refuge on our shores from oppression or from hopeless indigence, and molding them into that noblest type of manhood that the world has thus far seen, the independent, industrious, thrifty, self-reliant, intelligent, courteous American citizen.

By no means all our education is, or has ever been, organized and maintained by the State. To begin with, the State of New York, which stands at the head of American commonwealths for aid given to primary and secondary education, has done much less than an equal proportion for the large body of universities and colleges which complete our educational system, and are the foundations of our technical and professional life. These are almost entirely the offspring of private munificence and enterprise, and must be classed amongst the first and most important of our cooperative forces.

Then we have a large body of academies and high schools, 500 in all, I think, some of them incorporated and reporting annually to the Regents of the State University. Besides these, there are many private elementary and select schools, founded frequently for the training of the children of the wealthy, many of which are doing excellent work of cooperation in the cause of universal education.

Some of these private enterprises have gained the good will of the people to a remarkable degree. I wish to cite two in particular. The first is that fine school in New York city, founded in 1854, by one of the ablest, most successful, most useful and intelligently philanthropic men that adorn the history of this Empire State: the man who built the first locomotive on this continent, who rolled the first steel beams for building construction, who first successfully applied anthracite to the puddling of iron; who was the greatest propagator of our telegraph system, an originator of our ocean cables, an able developer of our canal system, the self-made scholar, the sage, the lover of his kind—Peter Cooper. In the Cooper Union, dedicated forever to the union of art and science in their application to the useful purposes of life, are free schools for painting, wood engraving, telegraphy, photography, mathematics, stenography, typewriting, chemistry, engineering and natural philosophy.

There are a debating club and a free reading room and library with 520 periodicals and upwards of 40,000 volumes, frequented by 1500 to 2000 people daily. The regular schools of science and of art teach upwards of 5000 students each year, molding them into prosperous men and women. From their ranks have developed many of our most prominent citizens in all the walks of professional life. The Cooper Union has given us an immense lever for the public welfare, which we might never have possessed but for the generosity and the large hearted wisdom of its founder. To their credit be it said, Peter Cooper's family have always entered fully into the spirit of their father's great benefaction, and have added to it many things which have been constantly increasing its strength and its usefulness.

The second example I wish to present is the work of that wonderful wizard of wealth accumulation, of industry, intelligence, foresight, generosity and public spirit, Andrew Carnegie. Not to mention his other many contributions to the interests of public education, we have his monumental gift of \$5,200,000, donated to the city of New York for the establishment of public libraries. It is a great and remarkable instance of unselfishness and nobility of soul. It will immortalize, and it should, the name of the donor. But more remarkable still to my mind is the cooperation he was able to get from the city of New York and from the Legislature and the Executive of the State: the donation of the sites and the guaranty of funds sufficient to maintain the libraries forever. I would not belittle the gift in any degree. And I certainly admire, as no doubt do all, Mr Carnegie's wisdom in imposing upon us the obligation of self-help, which is the best and most practical of all aids. But the gift is only a small fraction of the effort to which his generosity and wisdom stimulated us; showing that not only are our customs and laws, and the disposition of the public at large, favorable to individual enterprise in education, but that we are ready to applaud and assist largely private initiative when it comes to us at the psychological moment, in a way to touch us by its nobility, intelligence and daring.

From these instances of private contributions to our educational forces we come to the Catholic school system, concerning which it can not be uninteresting for educators, both professional and official, to know the magnitude, the methods, the motives and the hopes. There are in the State of New York 400 Catholic day schools with a total of 172,000 pupils, an annual expenditure of \$1,500,000, and an invested capital, for sites, buildings and appurtenances, of at least \$25,000,000. These schools are entirely free. They are sup-

ported by the voluntary offerings of the Catholic people. They are thoroughly graded, well taught, rigidly examined. The course of studies runs parallel with that of the public school system, comprising a period of eight years. Many of them are incorporated under the Regents. They are regularly inspected by duly appointed and carefully chosen superintendents, who are obliged to report the status and progress of each school to the central governing bodies, the Catholic school board in each locality.

The teachers are the Christian brothers and other similar organizations of men, the sisters of the various religious communities and a large and constantly increasing body of young ladies and gentlemen. Every teacher must have a license from our school boards. Many possess also public school licenses, and there is a growing tendency to make all obtain this latter license, not because we regard the teachers as being now deficient, but because we wish the whole community to know that the teachers have passed all the ordeals and are equal to the best. They teach everything necessary to a thorough elementary education in secular branches, and besides they have daily lessons in Christian doctrine. Patriotism is constantly inculcated. The national hymns and anthems are frequently sung. All the national holidays are observed and explained. The flag, the symbol of liberty and human rights, is floated, honored and saluted.

Although established directly for Catholic children, these schools are not exclusive. You would be surprised to know how frequently, at the request of the parents, they enrol Protestants, Hebrews and other non-Catholic children, and also boys and girls of the colored race. The success of these schools is very great. Frequently, when brought into competition with others, their children distance all competitors. Every year a large number of their New York girls pass the rigid examinations for the normal college. Many receive honor marks in these ordeals, and few ever fail. They have not made a practice of encouraging their boys to strive for the New York City College, not because they doubt its efficiency, but because few of these boys can afford to follow a professional career, and this estimable institution offers no special field of remunerative employment at the immediate close of its course of studies.

But our boys are very popular with employers. Some time ago a gentleman who stands very high in the metropolitan business community asked me for a boy from our Cathedral School (which numbers 1500 children), promising that the right sort of boy would have a very favorable career. I was much interested, because I

realized that the offer was both kind and advantageous. I spoke to the principal, who, in turn, proposed the matter to the boys, singly, beginning with the best, and going down the scale, as one after the other felt unable to grasp the opportunity. To my surprise, the principal reported that none of the boys of the senior class was willing to leave school before the end of the term; and, secondly, that all the boys had their places bespoken in advance and could not accept the alluring proposition. I mentioned the incident to my household at home, and commented upon the fact, which only then came to my mind, that our boys very rarely ask me to aid them in the obtaining of employment.

I might mention in passing that there is scarcely an office imaginable which we priests are not called upon from time to time to perform for the people. Among other things we are beset with requests for the obtaining of employment almost as though each one was the manager of an intelligence office. The facts in this particular case gratified us very much, and as people in their egotism are inclined to do, we accounted for them by supposing that our own school must be superior to all others. But the other day I found an article in one of the New York papers, which is so pertinent to the case and which taught me so much, that you will excuse me for quoting it. I have no intentions to father its reflections upon the results of public school training. I present it simply because it happens to establish my proposition that a great, useful and worthy educational work is going on about you, of whose extent a few, scarcely even its most ardent admirers, have an adequate conception. This paper quotes the manager of a store which needs at this moment 200 young men and women to start at salaries varying from \$5 to \$7 a week; this, of course, to unexperienced, not tried, help. Said this man:

I was so discouraged with letters and application blanks written by graduates from our public schools that I decided to try the parochial schools. I went first to the priest in charge of the St Joseph's parochial school, 6th avenue and Waverly place, Father Spellman by name. I thought I would like to get boys from that parish because it is so close to the business section. Father Spellman was courteous, but he could not oblige me. Every one of last June's graduates had been placed in store or office, and every graduate in the class of June, 1907, was spoken for by some business man in the Wall street or wholesale district. I am not a Catholic, but I believe in the old-fashioned three R system followed in the parochial schools. I sent two of my men to uptown parochial schools, and found the same conditions prevailing—every boy had a place waiting for him. I

am a good American, too, but I must confess that the best boy for a business man to select today as a beginner is the lad who is fresh from these institutions with his common school education. He can not do gymnastics, he has never seen a pot of flowers, nor a bowl of goldfish on the window ledge of his schoolroom; he can not cut out paper boats nor knit reins for his little brother, but he can write a legible hand, spell correctly and figure accurately. Furthermore, he regards his elders with respect, not as a joke.

What is the motive of these schools? Why do people, not yet overburdened with this world's goods and keenly eager for the betterment of their condition, elect to support a voluntary system of education, after having paid their taxes to the regularly organized system of the State? The answer is this. The Catholic schools are supported by a large body of earnest, sincere, God-fearing men, who believe in their faith as they do in their life; who are anxious to see their faith stamped indelibly upon their children; who fear that this faith and all faiths are liable to be weakened, if not lost, by an education purely secular; and who are convinced that by making this sacrifice of double taxation they are doing the very best possible for the welfare of religion and morality, and, at the same time, for the honor, exaltation and solidifying of those institutions whose symbol is the royal red and the lily white and the azure blue of the stars and stripes. Why do they believe this? They dread, on principle, the education of the head without the heart. They see more vice than there should be about them, in high places and in low — drunkenness, licentiousness, dishonesty, hate, with all its revolting sequels, divorce, disloyalty, anarchism, faithlessness to trust. They remember the wave of true sentiment that swept the country at the death of President McKinley.

They ascribe these conditions to the weakness of the fear and the love of God in the hearts of our people, and they wish to do all in their power for the solidifying of God's kingdom upon earth by the daily inculcation in the schools of the truths and the precepts of the Almighty. The Catholics do not stand alone in this practice. Many of the other denominations, notably the Lutherans and the Episcopalians, support schools of the same class and for the same reasons. All our public education was religious originally, and there is no evidence that it would not be the same to the present day but for the difficulty of satisfying the many varieties of faith. Congress in the beginning, even before the adoption of the Constitution, intended that the schools should be religious. On the 13th of July, 1787, Congress passed an act entitled "An ordinance for the gov-

ernment of the territory northwest of the river Ohio"—the territory which now comprises the states of Ohio, Indiana, Illinois, Michigan and Minnesota. In it we find these passages:

No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments, in said territories. There shall be neither slavery, nor involuntary servitude in said territory, otherwise than in punishment of crime, whereof the party shall have been duly convicted. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

The lawmakers are very careful in their language. In the first two sentences they are laying down the fundamental principle of all American freedom and prosperity—freedom of conscience and inalienable liberty. The third declaration is just the same as though they had stated that without religion, morality and knowledge good government and human happiness are impossible. Why then do they say, "Therefore schools and the means of education shall always be encouraged," unless they meant that in the schools these three essentials should ever and always be taught?

Furthermore, there is a very large body of people who would be glad to see religion restored to the public schools tomorrow, if they could solve the problem of satisfying the prejudices of all classes. I have attended conferences in New York at which this subject was discussed and every effort made to find a satisfactory solution of the problem. I remember some gatherings in particular, which show among other things how people are getting together in these times—in which were present clergymen representing Episcopalians, Presbyterians, Unitarians, Universalists, Lutherans, Hebrews, as well as Catholics. There are no more honored names in the State than these which met for friendly discussion on this point; and they have not yet abandoned the hope of finding a key to the difficulty. This sentiment is not confined to clergymen. It pervades our statesmen and a large number of our public men in general. I could make numerous citations to establish this fact, but I shall be content with one from a great paper in New York, whose gifted editor is not a thousand miles away at the present moment. The occasion was the occurrence of an alarming exhibition of human depravity in a select residential district:

The truth is that we are taking for granted a moral intelligence that does not exist. Our whole machinery of education from the kindergarten to the university is perilously weak at this point. We have multitudes of youths, grown men and women, who have no

more intelligent sense of what is right and wrong than had so many Greeks at the time of Alcibiades. The great Roman Catholic Church is unquestionably right in the contention that the whole system as it now exists is morally a negation.

It is worthy of remark also that the Catholic school system is not a mere device of the clergy. It has its roots deep down in the hearts of the people. Some, no doubt, can be found who are cold, indifferent or even averse to it. But the number of these is constantly increasing. I could not give clearer evidence of the popular opinion on this subject than the declaration of the first Catholic congress, held in Baltimore in the year 1889, a convention composed of, presided over and addressed by representative laymen, delegates from all parts of the country, to the number of one thousand:

We recognize, next in importance to religion itself, education as one of the chief factors in forming the character of the individual, the virtue of the citizen, and promoting the advance of true civilization. Therefore, we are committed to a sound, popular education, which demands not only the physical and intellectual, but also the moral and religious training of our youth. As in the State schools no provision is made for teaching religion, we must continue to support our own schools, multiply and perfect colleges and universities already established and others, so that the benefits of a Christian education may be brought within the reach of every Catholic child in these United States.

I have dwelt upon this point to bring out the motive for Catholic schools — to make clear as possible what this motive is not, as well as what it is. It certainly is not contempt for universal education. Else, why the sacrifices that are made for the elementary Catholic schools, and why that munificent institution for adults on Lake Champlain, the Catholic Summer School of America, where the ablest and best equipped leaders of Catholic thought are brought face to face with a cultured audience, to give their listeners the fruits of lifelong studies in those departments of science or letters in which they have become eminent? In this connection it is interesting to note the words written by Dr Orestes A. Brownson, that great Catholic layman, likened by many as an original thinker to Daniel Webster:

We are decidedly in favor of free public schools for the children of the land, and we hold that the property of the State should bear the burden of educating the children of the State — the two great essential principles of the system which endear it to the hearts of the American people.

This motive is not a carping criticism of our public school system. I say carping criticism, because, of course, the Catholic

schools imply a lack of complete satisfaction with the State educational plan. There are two sorts of criticisms: the one an angel of light, the cause of nearly all the progress in the world, up-building, comforting, strengthening everything it touches, typified by the Archangel Raphael guiding Tobias on his way; the other a demon from the pit, tearing down, destroying, upsetting. Its exponents are as numerous as the malicious cranks of the world, its prototypes being found in Dick Deadeye in the fleet, Thersites in the camp and Judas Iscariot at the festal board when honor was conferred upon his Master. This latter is what I call carping criticism, and we disclaim it in every particular. We love the public school system and we admire it. We follow its course of studies. We take advice and guidance from its leading officials. But we want something more for ourselves. We want the Christian doctrine taught every day systematically to our children. And we fondly believe that by following this course not only are we laboring for the best spiritual interests of the children, as we see them, but also that we are contributing a mighty force to the stability of the Republic; by doing so much to effect that belief in God, and the honesty, loyalty, self-control and charity that flow therefrom, may not vanish from the face of the earth.

What do promoters of religious schools ask of your honorable body and the public in general with regard to their schools?

First, Knowledge. That you become aware of the work that is going on, its present magnitude, its large expenditures, its efficiency, its prospects of speedy development.

Secondly, Respect for a work strictly within the projectors' legal rights, sustained by sacrifice, accomplishing large results for God and country, and most useful to the public school system itself as a coadjutor and perhaps a spur.

Thirdly, Friendship. The friendship which should exist between people whose aims, objects and methods are substantially the same. This has been growing very much especially during the past few years. May it become perfect and perpetual.

Fourthly, Recognition. The Catholic schools number already 172,000 pupils. All the other schools not under public control and support contain about 35,000. In a few years the Catholic schools will probably more than double in numbers and attendance. Our people are easily one third of the population of the State, and they will continue to quietly prosecute their work until they have school room for every Catholic child. We should not be buried under the classification of private schools. We are free public schools in

every sense of the term, except one, that of being supported by the taxes which we ourselves pay into the public treasury.

This paper would not be frank or complete if I did not say a word upon the question—would the promoters of religious schools like to have their own share of the public taxes applied to the support of their schools? This is a question which can not be answered categorically. The reply to be accurate needs to be both indirect and direct, and I would ask any one who is interested in the subject to keep in mind the answer as a whole. I answer thus. They are not lying awake at night fretting upon the subject. The grant or its refusal will never cause them to swerve from their principles and purpose. They want nothing for Christian instruction as such. Neither do they desire it as the temporary triumph of any political party or sentiment.

This being prefaced, let me ask, what man or body of men ever hankered after the privilege of paying twice for the same article, as we are doing with the schools? What man on important business bent would walk from New York to San Francisco when he could take the Overland Limited? We are walking in our efforts for the development and the perfection of our schools, whereas we could almost fly if we had sufficient funds at our command. What child would hesitate to hope for and to continually urge the satisfaction of a real need from a rich, loving and bountiful father, capable of seeing the force of argument, fond of fair play and anxious to supply every legitimate desire of his children? The American people are our father and we are the children.

One hesitates to give a direct answer to so important a question on his own responsibility. I quote, therefore, from the platform of the American Federation of Catholic Societies which declares: "One of our objects is to keep burning brighter the lamp of public opinion on the school question, this solution being proposed: First, let our schools remain as they are, the property of the church; secondly, let no public moneys be paid for religious instruction in any school; thirdly, let the children be examined in secular studies by a municipal or a State board, and if we furnish the secular education required by the State, let the State apply the taxes assessed for education to our public schools."

After all this last clause in the federation declaration resembles very much what the Navy Department does with regard to its war-ships. It builds a great many in its own navy yards, but places a great many more in the yards of private firms. These latter are built according to national plan, and under the supervision of

national architects. They are paid for on completion and official approbation. They rank officially with those constructed with the Navy Department itself; and who will say they are not equal to the best?

This is all that it is possible to say upon this great subject at the present time. My wish has been to bring to the attention of the Convocation the strength, the importance, the efficiency and the popularity of the various classes of cooperative forces. New York State is certainly blessed in its splendid public school system. It derives great benefit also from the large voluntary contributive agencies. May both live, prosper and grow, enriching the people with the knowledge and virtue that form faithful, happy, prosperous citizens, and make liberty a real blessing upon the earth.

Saturday morning October 27

THE COMMERCIAL PROGRAM IN SECONDARY EDUCATION

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It would be superfluous before a body of this sort to point out at any length the remarkable indications of interest now shown everywhere in the adaptation of education to practical ends. But a word or two by way of preface may be in place. A host of technical institutions now flourishing in the United States and throughout Europe have sprung into being within the last decade. They owe their origin to the feeling that the great fields of industry and commerce need their services and offer rich opportunities to those who can bring to them an adequate technical equipment. The remarkable activity of Germany along these lines is familiar to all of you. A recent statement gives the following figures for the empire: 9 technical high schools (or as we should say technical colleges), 4 mining academies, 4 commercial high schools and 587 middle and lower grade industrial, technical and commercial schools and colleges. There are enthusiasts who ascribe Germany's remarkable success in commerce to these institutions which furnish a complete system of training from the lowest to the highest grades. This view neglects other factors of great importance and is doubtless an exaggeration quite unnecessary to establish the really great value of the educational contribution made by these newer institutions to Germany's progress. There is every evidence that the German

business world welcomes this new force and counts heavily upon it for the future, for the system is being extended and broadened everywhere throughout the empire and in very large measure by the activity of chambers of commerce and other commercial bodies. England, France, Belgium, Austria, little Switzerland and Italy are all alive to the situation and each in its own way is pushing forward plans for enlarging the scope of technical education and adapting it more and more to present day needs.

What is being done in this country is known to all of you. It is not so many years ago that the Massachusetts Institute of Technology stood almost alone as a high-grade technical school. How many rivals it has now! A decade ago the Wharton School in the University of Pennsylvania was practically the only institution of collegiate grade offering a course in commerce. One could name a dozen now. Dartmouth goes even further and offers in its Tuck School work of a postgraduate character. And as to schools of secondary grade, the introduction of industrial and commercial training into their curriculums within the past 10 years has been the most notable feature of their recent history. More than that, several of the larger cities have established independent commercial high schools. A most striking indication of public interest in the matter was the visit of the mayor of Boston accompanied by the entire school board to the commercial schools of New York city a few months ago and the prompt establishment shortly after of a commercial high school in Boston. For some time plans have been under consideration in Chicago looking toward similar action.

It would seem that there is now in outline a fairly complete scheme of commercial education in this country. It is provided for in the secondary school, in the college, and in the university, and very importantly though less pretentiously in a host of private business schools and in many cities in evening classes in connection with the public school system. I say in outline, for as yet a mere beginning has been made in the higher phases, notably in the institutions of collegiate grade, but also in the secondary school. The problem as it relates to the latter institution is the one which I am to discuss this morning, my topic being "The Commercial Program in Secondary Education." In determining what to say upon it I have been guided in great part by the numerous inquiries that come to one in my position from those who want to know what New York city is doing for commercial education, inquiries coming not alone from all parts of this country, but from foreign lands as well, which is another indication of the widespread interest in this subject.

Writers on commercial education are prone to consider only the needs of the business world and suggest a course of study admirable in itself and theoretically well adapted to its purposes but not always suited to the young people for whom it is prescribed. In general the courses suggested are too pretentious, too ambitious, and while they look well on paper they can not be carried out in practice. A proper commercial course will not only adapt itself to the needs of the business world, but also to the capacities and possibilities of the pupil. Roughly speaking, a commercial high school will attract three classes of pupils. First, a large class, many of only fair ability, whose stay in the high school will be limited. They either have not the perseverance or the foresight to "stick it out," or the economic pressure at home induces them to become wage earners at an early age, or what is apparently the commonest situation in a large commercial center, there are so many places of one sort or another open to them that the temptation of what is called "a good position" is too strong to be resisted. For this class a year's work in the high school will be the average amount accomplished. The second class includes those who finish more than two and less than four years of study and who upon leaving generally have little difficulty in getting reasonably good positions. Many of these, as indeed a goodly percentage of the first class also, continue their studies in evening schools. The third class includes those who finish the course and always numbers a few who go on to college or a higher technical school. Such students are in great demand and usually secure excellent positions at once. Indeed the demand far exceeds the supply.

The makers of the secondary commercial program must keep in mind the needs of these several classes, considering both what they are able to do as students and what they are likely to do later as workers in the field of business. Obviously the first class can secure only a very elementary training fitting them for minor positions. The second class will be prepared for situations requiring a higher order of intelligence and a fair degree of technical business equipment, while the third class will go out with a fairly rounded training fitting them for good positions at the start, and insuring those who are industrious and persistent certain advancement. They will have a very great deal to learn, it is true, but their training will make the task an easier one.

The one thing expected of each of these classes by the business man, in varying degrees, of course, is efficiency. There are two sorts of efficiency, which one may describe as general and special,

Any good high school, classical, manual training or commercial, ought to give the first kind. In other words any good high school ought to send out pupils with trained intelligences, pupils who know how to put brains into their work, who can see relations, who can organize their knowledge, who have a degree of initiative, who can assume responsibility. These are things of primary importance. So far as any high school gives them so far does it give genuine preparation for the activities of business. But the business man wants also in his recruits a special efficiency. He wants the newcomer to have some special knowledge and some special skill for his work. The most elementary requirement would be facility in the use of figures, the writing of a good hand and a reasonably accurate elementary acquaintance with the mother tongue. From this level there is a gradation through bookkeeping, office economy, stenography and typewriting as perhaps most typical up to a knowledge of accounting, the elements of finance and commercial law, and general business organization. To these may be added in some instances a knowledge of the commercial applications of a science like chemistry, and in yet others, such as in exporting and importing houses, a familiarity with one or more modern languages. Time was when it was comparatively easy to secure this special efficiency in the business itself, just as in former days it was possible to study law in a lawyer's office. But this is the day of specialization. The large business of the present day has its numerous departments, each with its well defined routine. Each employee is busily concerned with his own restricted tasks, and unless he has more than ordinary energies and initiative, or is possessed of influence he is likely to have little opportunity for broader experience. The commercial high school will naturally supply all grades of workers, but it will have as its highest aim to give its graduates that sort of training which will fit them and inspire them to become the doers of business rather than recorders of business, clerks, or bookkeepers or stenographers. The commercial graduate will not be content with knowing the routine of his particular assignment. He will want to know its relation to the work of the whole department and the relation of that department to others in the same institution. He will study the system and organization as a whole, the conditions which govern the business; in short he will strive to secure a comprehensive grasp of the work of the institution as a whole. There is a real dearth of young men of that type in the business world, and it will be a long time before our commercial high schools will be able to meet the demand for them.

How can the commercial high school give the special efficiency which I have just described? First by arranging its course of study so as best to meet the needs of the several classes who come to it. The first year will therefore prescribe a training in penmanship, business arithmetic, and the elements of business forms and methods in connection with English and the other standard subjects of the modern secondary school. In a large commercial center it will provide further a broad general study of local industries and trade, a commercial geography of immediate practical interest which will put some order into the apparent complexity of business activities the pupil sees about him and perhaps point the way to his future career. These studies not only best suit the needs of the students whose stay in the high school is short, but form also a logical introduction to the more advanced work which should be provided for the other two classes of pupils in the later years of the course. Bookkeeping and stenography and typewriting will be the typical additions in the second and third year with a continuance of commercial geography along broader lines, while in the fourth year economics and commercial law will round out the distinctly commercial phases of the program.

A second way by which the commercial school will give special efficiency is by making every study so far as possible contribute to the practical equipment of the student. In connection with the work of the secondary English course there should be continuous and progressive training directed immediately toward commercial ends. It should include such matters as letter writing, with drill in ordinary business idioms; the preparation of telegrams, the writing and answering of advertisements; oral and written reports on commercial topics; the preparation of a careful discussion of some line of business. Nor should training in effective oral expression be neglected. The power of concise and persuasive speech is of much moment to the business man. In history a shifting of the emphasis from political lines to economic and commercial phases will contribute to the desired result. And fortunately this method of treatment is making its way into the best textbooks. In addition excellent special texts are now available. The average man has only a remote or, at best, a superficial interest in constitutions and forms of government. He is concerned with the economic conditions under which he gains his daily bread. He will have a clearer and a saner understanding of them through a study of the long period of industrial and commercial development which leads up to the present century.

The modern languages will have in addition to their disciplinary and culture values, a distinctly practical bearing on business life through the opportunities they afford the student of securing an intimate acquaintance with the commercial activities of foreign countries. The social and business customs of the latter, their imports and exports, their commercial relations with our own and other countries, all these may be studied now in books, well adapted to secondary instruction. Experience shows that four years of a language study with a view toward securing facility in its conversational use can be relied upon to insure a fair degree of fluency in speech. A mere reading knowledge is not sufficient for the commercial graduate, who can well dispense with some of the niceties of modern language study for an equipment of immediate importance to him. The German commercial schools may well be envied for their great success in teaching young men to speak other languages than their own. A perusal of the "Help wanted" columns of the New York Journal of Commerce will make it quite clear that in a great commercial seaport, at least, the ability to use German, or French, or Spanish is something worth striving to secure.

The modern industrial world touches science at every turn and the scientific phase of its work should be a distinguishing characteristic of a school of commerce. In the study of biology and chemistry and physics there is not only the development of the powers of doing and seeing and drawing conclusions at first-hand, essential elements in the equipment of a business man, but there are also numerous incidental applications to commercial purposes. Biology for instance, introduces the pupil to the raw materials of commerce, their distribution, production, growth and relative values. Topics such as the following will receive special consideration:

The relation of germination experiments to agricultural processes

Fertilization and its bearing on plant breeding

Yeast and its relation to fermentation products (bread etc.)

Bacteria and their relation to the canning industry, etc.

The principles of stem grafting and the nursery business

Fish, oyster and lobster culture

Insects and their economic relations

The student will learn that the findings of biology have a direct bearing upon commercial processes, that all industries which concern plant or animal products are developed only as progress is made in biologic research, and that the method of experiment is the only way in which real progress can proceed. Chemistry and physics

can, of course, be studied only in an elementary way in the secondary school, yet the former will acquaint the pupil with many processes by which crude material is transformed into the manufactured product and physics will familiarize him with the fundamental transformation of energy involved in all mechanical operations.

Today one of the chief items in the cost of producing a staple article is the cost of advertising it, in some cases more than half of the total outlay. The business world spends enormous sums to attract and secure customers, and in doing so makes use of many avenues of publicity. Note the numerous advertisements appearing in magazines and other publications and observe the artistic care evidenced in their presentation. Not only are the illustrations well drawn and attractive, but the lettering and arrangement of descriptive matter are also in the best of taste. Surely here is a hint for the drawing department of a commercial school. An adaptation of its work to the requirements of this great field is certainly to be commended. And further how many articles of commerce today owe much of their value to their artistic form. Even the refinement of taste which a study of drawing gives has a distinct commercial value.

In what I have said on the second method to be employed by a commercial school in order that it may give its students a special efficiency I think I have made it quite clear that the course of study in this type of school should be genuinely liberal. It should include practically all the studies provided in any good secondary school, Latin and Greek are almost the only exceptions. The commercial graduate should be a broadly trained worker. He should not be deprived of the schooling which "strengthens the powers of judgment, widens the sympathies, and stimulates the imagination" in order to give him a hasty special equipment. There are great numbers who belong to the "get education quick" class, just as there are great numbers who belong to the "get rich quick" class. They are the foolish ones to whom the idea of growth means nothing. Education takes time, and the short cut is a delusion and a snare. Four years is none too long a period to devote to the program I have indicated. Even then the intending business man gets a much earlier start in his career than does his professional brother.

In connection with the first method suggested for increasing the commercial pupil's special efficiency, mention was made of two comparatively new subjects — commercial geography and economics.

Such familiar branches as business arithmetic, bookkeeping, commercial law, etc., will naturally be important parts of any commercial course, and hardly require discussion here. But commercial geography and economics are so distinctly valuable, and at the same time so recent an addition to the curriculum that they deserve special mention. If I were to name the really characteristic study of a modern commercial school, I should unhesitatingly say "commercial geography." It and the allied subject, economics, may well be classed apart as providing a third means for giving the commercial pupil a special efficiency. It would be interesting to go into detail upon this point, but the limits of this paper forbid. Suffice it to say here that the sort of study I am thinking of is one which leads the pupil from a study of his own immediate industrial environment by easy stages to a comprehension of the commercial activities of larger and larger areas that in the total make up the circle of world commerce. With the United States as a center the pupil will study other countries as sources of raw material, as present or possible customers, and as competitors in the world market. Economics gives a scientific basis to this study, and makes it something more than a mere accumulation of facts.

To the three ways already cited to be employed by the commercial school in giving the special efficiency demanded by the business world, I would add a fourth, though it is just as important in one sort of a school as in another. Some business man has said that he "Had no more use for a man who makes bad bargains in three languages than for one who makes all his bad bargains in English." In other words the business man is much more interested in the effective use of what knowledge his assistant has than in the extent of that knowledge. As soon as the student leaves the school, he will be measured by what he can do rather than by what he knows. Now I am strongly of the opinion that much of our teaching is woefully weak along this line. The mere accumulation of information is given too much emphasis. The application of that information to a practical use is slighted or neglected altogether. Some years ago I taught civics. I found it rather easy to get the pupils to learn the main points of the Constitution, but I had the feeling that the various clauses of that instrument really didn't mean much to them after all. I finally hit upon the plan of making a problem for each day's lesson of as much practical interest as possible whose solution would require an application of what the pupil had studied. These problems were in the beginning rather simple, but the total failure of so many pupils to see the connection between the text and the problem was

a revelation to me. It was also a revelation to them. Day by day I could note a gradual improvement in the pupil's power to apply his knowledge, and the genuine eagerness with which he looked for each new test gave evidence of a new sort of interest in the work. Since that experiment I have never thought of teaching a subject without using the problem method. I am aware that many teachers employ this plan after a fashion, in some subjects much more than in others, but I am arguing for its systematic, continuous, and progressive use, all along the line. We must be content, perhaps, with a smaller quantity of work, but there will be more than a corresponding gain in quality.

To sum up what I have said on the Program of the Commercial Secondary School: It should give the general efficiency which any good secondary school gives by including the standard secondary subjects in its curriculum, the ancient languages excepted, being content, perhaps, to devote a somewhat smaller amount of time to them. It should give the special efficiency demanded by the business world by a proper arrangement of its courses so as to meet the varying needs of the several classes of workers it will send out, by making each subject of the course yield a training of distinctly commercial value, by emphasizing the newer forms of commercial study, commercial geography and economics, and by training its pupils to relate and apply their knowledge to concrete problems.

THE RELATION OF INDUSTRIAL EXERCISES TO OTHER EDUCATIONAL FACTORS

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Professor William James in his *Talks to Teachers on Psychology* [p. 33], tells us that "One general aphorism ought by logical right to dominate the entire conduct of the teacher in the classroom." He adds: "No reception without reaction, no impression without correlative expression,—this is the great maxim which the teacher ought never to forget."

The human mind employs four chief means or ways of expressing its content, viz, words, pictorial representation, material construction, and musical sounds. Not only must mind communicate with mind by way of these means of expression, but if a mind is to be fully conscious of its own content, it must employ those means in completing the cycle of its reactions. Furthermore, some ideas, if

not every idea, can be expressed in only one of those forms, and each form is the only outlet for certain groups of ideas; hence, to neglect to practise expression in any one of those ways is to limit the cogitative power of the mind so far as certain kinds of ideas are concerned. It follows that the school should provide practice in expression by words, by pictorial representation, by material construction and by musical sounds, and it follows that *every school* should provide practice in expression in *each* of those ways for *every pupil* in order that all of the capabilities of each pupil may be brought to the point of greatest effectiveness. It is plain then, that exercises in drawing, material construction, and music stand in importance side by side with exercises in the use of language.

A just scheme of education provides for four things: (1) the acquisition of facts or ideas, (2) the understanding of the relations of those facts or ideas, (3) the cultivation of the creative imagination, and (4) the training of the will. While these four things may be stated and discussed, in a way, separately, they can not be separated in practice. The activity of the school may be centered chiefly upon one, but the doing of any one necessarily involves the doing of the others to a greater or less degree.

The acquisition of facts or ideas is merely the accumulation of the intellectual materials, the collection of the educational bricks and mortar. It has been an end in education since the beginning of schools, and must necessarily be an end always. Some systems of education make it almost the only end. Indeed, all else is accidental. Effort is devoted to loading the memory. The range of study is extremely limited. Material facts are almost entirely neglected. In certain systems, ethical questions are considered to the exclusion of almost all others. In the Chinese schools the student gives his attention to committing to memory the words of Confucius. During more than 2000 years Chinese mathematics has got little beyond the use of the abacus, a device we use to teach the simplest of arithmetical operations to primary school children. While the Chinese have discovered and developed the use of some very valuable material facts, those discoveries have not been due to the work of the schools. The schools have been engaged in perpetuating a code of ethics. As a consequence, Chinese civilization has marked time for centuries. The Mohammedan schools are similarly engaged, and the result is practically the same. The stronger the desire to prescribe determining elements of life, the more does the system limit the work of the school to acquisition. The unskilful teacher also satisfies himself with acquisition. If education stops here, it results

in the unthinking acceptance of what is taught. Its final products are servility, bigotry, barbarity and conceit.

The understanding of the many relations of the facts or ideas acquired is the second educational desideratum. A clear comprehension of such relations is brought about by an investigation of the *when*, the *where*, the *how*, the *why*, and the *how much*. The history of education is dotted with the names of great masters, made great by their ability to make their pupils see those relations. From all quarters came seekers after knowledge that they might sit at the feet of the master and see things as he saw them. And such educational pilgrimages are now made. The fame of the great teacher is heralded more widely today than ever before.

To enable his pupil to comprehend the relations of facts and ideas, the modern teacher employs outlines, syllabuses and formulas. He explains, demonstrates, analyzes and experiments. He resorts to diagrams, charts, maps and pictures. In short, the major part of his time and energy is given to this work, for the teacher well knows that the better the relations are understood, the firmer will the ideas be fixed in the memory. And he furthermore knows that any number of known facts if isolated are useless for practical purposes. If education terminates here, the result is a clear understanding of what is being done, and the ability to see and to do what has been taught, but *inability* to advance unaided. The final result is hopeless mediocrity. Fortunately, it is and has always been impossible to stop completely at this point. If it were possible to do so, it would be possible to stop the progress of civilization.

The points just discussed, namely, the acquisition of ideas and the understanding of their relations, are the preparatory steps to independent thinking; that is, to the cultivation of the creative imagination and the training of the will. No advance is possible except by the exercise of creative power. The progress of civilization is due less to what men have been taught, than to what some of them have thought out for themselves.

The cultivation of the creative imagination, that is, the teaching of a pupil to throw his materials into new relations, together with the training of the will, or the leading of the creative impulse to discharge itself into motor activity, constitutes the highest function of the school. The two can not be separated, and ought therefore to be discussed together.

The four forms of expression enumerated above indicate that the cultivation of the creative imagination and the training of the will must proceed along four distinct lines in order that "the whole boy

may be put to school." We get our first and most suggestive lessons from the teachers of the languages. It is the custom of all language teachers to give much attention to the study of masterpieces. This is the first of four principal steps in training for creative work. The masterpiece is studied in detail. The purpose of the author is determined, the motive or principal conception is identified, the relations of the various parts are pointed out, the embellishments are dwelt upon, and the artistic beauties of the various parts and the composition as a whole are shown. In short, everything that goes to make it a masterpiece or that detracts from its excellencies is carefully brought into the student's intellectual field of view, and he is often asked to commit the entire work, or at least some choice bits of it, to memory.

The second step, an effort at reproduction, is more often neglected, and yet many of our great writers attribute the excellence of their work to their oft repeated attempts to reproduce as nearly as possible the works of a master. All teachers acknowledge the value of reproduction as a means of training, yet few of them employ it but sparingly. If reproduction as a means of training for creative power is to be attempted, the masterpiece should not be committed to memory although it should be carefully studied. Accuracy of reproduction depends upon faithfulness of memory and skill in the use of the particular form of expression. The value of the product as an exercise in creation decreases as the accuracy of reproduction increases, provided always that a fairly good product is obtained.

The third step, imitation of the master, is too sparingly used. The teacher usually jumps from the study of the masterpiece, particularly in the teaching of English, to original composition, and sad to relate, the composition is not correlated with any of the other work of the pupil. The omission of practice in imitation is to be deplored, both because of its excellence as an exercise in creation and because pupils usually enjoy it. During the Spanish War one of our boys who was studying Caesar's *Commentaries* amused himself and his classmates by writing commentaries in Latin in imitation of Caesar, based upon the previous day's newspaper reports, imagining himself in each commentary, to be the commander. The teacher accepted his work in place of the weekly task in Latin composition, until the boy got tired of the sport. The child is a natural play actor, and will put forth his best efforts in imitation when he will make no effort at original work. To prove this, after carefully explaining the poetic form, try your class on limericks and

triolets, or even on quatrains and sonnets, and see how many will enjoy the trial.

Success in imitation—and a large proportion of students prove to be fairly successful in that exercise—will usually lead the pupil to attempt more serious original composition with courage and enthusiasm. If the preliminary steps have been carefully taken, the teacher is likely to find that the student realizes his ability to throw his materials into new relations and is willing to make the attempt; that is to say, his creative imagination and his expressional activities are at work. Then and not till then has the child the probability of becoming a moving intellectual force.

While we have received our first and most suggestive lessons from the teachers of languages, the teachers of drawing and manual training are generally applying some of those lessons with greater skill and persistence. We find the walls of our drawing classrooms covered with reproductions of famous paintings and other excellent pictures bearing upon whatever work the teacher is attempting to do, and the walls, desks, and tops of cases bearing plaster casts of famous works of art. With the aid of the teacher, the pupils study the masterpieces thus placed before them, but the modern drawing teacher no longer calls upon his pupils to copy pictures or to draw from casts except as he wishes them to secure technic in the use of the pencil or brush. He hurries over that work as the teacher of English hurries over penmanship, spelling, and the other mechanical parts of English expression. In his haste to get on to imitation, the teacher often fails to pause long enough over reproduction. He begins design at an early period, and continues it to the end of his course of instruction. If allowed to do so, he correlates his work with the work in science, languages, and manual training. He is constantly on the alert to stimulate the creative imagination, and to induce the expression of its content.

Teachers of manual training, that is, teachers of material construction, are not yet generally and fully alive to the importance of studying masterpieces, nor have they yet shaken themselves free from the influence of the set of exercises in construction prescribed for the first manual training school in this country. That school had its origin in a purely utilitarian conception. The exercises were designed to teach the use of tools and the processes of construction, with no thought for cultivating the creative imagination. The influence still persists.

The skilful teacher of manual training provides, when possible, excellent samples of construction for his pupils to study. He

exhibits drawings and pictures in plenty and leads up to reproduction and imitation as soon as possible. It is easier to build a mental image of a material object than of any other object, hence it is possible to progress more rapidly to original composition in manual training than in any other line of school work. Although no other school exercises lend themselves so readily to the training of the creative imagination and the will as those in material construction, a large majority of the schools that teach manual training give the major part of the time to teaching the uses of tools and the processes of construction instead of the construction of articles designed by the pupils. While the system of manual training known as *sloyd* uses complete and practical articles as exercises, the "models" are prescribed, every pupil makes the same thing in the same way, and the child's inventiveness is unemployed.

Perhaps it is well to take a moment to point out the parallelism of musical expression with verbal, pictorial and constructive expression. Nowhere will the importance of the study of masterpieces be more readily granted than in the teaching of music, nor is the importance of the other steps, namely, the effort to reproduce the work of the master, and to imitate him, more readily seen. We are obliged to give so little time to the teaching of music that the results are relatively barren; still a fairly satisfactory result in original composition may usually be obtained at less cost of effort on the part of both pupil and teacher in music than in any other form of expression except the constructive form. Indeed, it is not certain that even that exception needs to be made. It may be true that few of our pupils are embryo Beethovens, or Wagners, but they are as likely to prove to be such after careful training as they are to be Shaksperes, or Miltons, or Angelos, or Wrens. We do not expect them to prove to be great geniuses in language, or art, or architecture, or music, but we ought to make the best of what talents they may have in whatever direction those talents may lie. Only as they are taught to use their talents, can they be brought to their full efficiency.

The fourth and last step in cultivating the creative imagination and training the will, is original composition. Instruction in all forms of composition should proceed along parallel lines. First, the pupil presents his plan, known in verbal composition as the outline, in drawing as the preliminary study, in construction as the preliminary sketch, and in music as the formula. This plan is criticized and approved by the teacher. Second, the pupil prepares his detailed plan known in verbal composition as the rough draught,

in drawing as the complete study, in construction as the working drawing, and in music as the sketch, which is criticized and approved. Finally, the pupil submits his finished work known as his theme, or drawing or project, or opus, as the case may be, which in turn is criticized and corrected in minor points. Thus the real parallelism of the four forms of composition is evident. As has been said, the teachers of language gave us our first lessons, and the path they pursue in their work is by far the best path for teachers of pictorial representation, of material construction and of music, to follow. Having indicated the place of industrial exercises among educational factors, it remains to show briefly the way they are being used at the present time.

Schools that employ industrial exercises as a part of their curriculum may be roughly divided into three classes; viz, trade schools, a certain group of technical schools, and manual training schools. The aim of the trade school is to produce skill of hand. Skill involves two elements, ability to do something accurately and to do it quickly. Accuracy demands at the outset that the doer give close attention to his work and exert a continuous and conscious effort of the will. The initial progress is necessarily slow, but skill, like habit, grows through repetition at short intervals. As the number of repetition increases, the attention and will are less and less active until finally the doing of the work is largely automatic. As the ability to work accurately increases, speed may also increase until the worker becomes in a sense a machine. In the trade school, then, the personal end sought is the ability to act automatically with rapidity and accuracy, and the material end is a salable piece of hand work. To gain those ends it is necessary to limit the work in variety and give much time to it; hence the trade school has little academic work and only one variety of hand work. Since the student is thus limited, he is rarely a leader.

The aim of the technical school is twofold, first to enable the student to apply the principles of the sciences to the practice of an art, and second to develop his creative power in some particular direction. The technical school, therefore, gives intense study to certain academic work, particularly to mathematics and the physical sciences. It also gives such hand work as will illuminate the future work of the student by teaching him how the various constructive processes are performed, how to know when they are well done, what constitutes a reasonable day's work, and what are the strength and uses of his materials. It also teaches him drawing and the

principles of design as applied in his work. While the student should be able to perform the various constructive processes accurately, it is not at all necessary that he should be able to do so quickly. Many constructive processes are therefore taught, and the time devoted to each is short. To gain the personal end, then, it is essential that the student should know and be able to apply the principles of the sciences to practical work, that he should be able to conceive new applications of those principles, and to direct the work of other people with accuracy and judgment. The material end sought is a piece of work that shall serve its purpose well, and have few weaknesses. The technical school, therefore, is likely to produce a leader.

The aim of the manual training school is to develop the pupil's capabilities. The personal end is a clear working brain; there is no immediate material end. The constructive work is changed as soon as the pupil begins to be automatic in his processes. Accuracy is demanded in order to train the attention and the will. Skill is not sought—the time element prevents it. The main thing is growth and adaptability, or as some one has put it, "to furnish the pupil with a means of finding himself."

All men may be created equal before the law; but unfortunately for the ease of the schoolmaster, all men are not endowed with equal intelligence. Whether the child brings 1 or 10 talents to school, if the school is to be a "good and faithful servant," those talents must be employed so as to make them increase as many fold as possible. It is the province of the school to take the child as it finds him and make of him the best instrument for improving the condition of himself and the race that his capabilities allow. The formative process we call education; and it is successful in proportion to its exhaustion of the child's capabilities for improvement, and its repression of his other capabilities. The educative process should promote the growth or development of the child's various powers until each has reached its full stature. It should train him to use those powers in the most effective way. And, during the period of his growth, and the training of his powers, he should be instructed in those things which will enable him to live a useful and exemplary life. In short, his education should lead him to the enjoyment of the highest life of which he is capable, and it should make him a joy and an inspiration to his fellows, and an upright, high-minded and honorable citizen of the State. Not until the school turns out each child at his very best, does it perform its highest function.

Perhaps this discussion may best be closed with another quotation from Professor William James's *Talks to Teachers on Psychology* [p. 35, 36]:

The most colossal improvement which recent years have seen in secondary education lies in the introduction of the manual training schools; not because they will give us a people more handy and practical for domestic life and better skilled in trades, but because they will give us citizens with an entirely different intellectual fiber. Laboratory work and shopwork engender a habit of observation, a knowledge of the difference between accuracy and vagueness, and an insight into nature's complexity and into the inadequacy of all abstract verbal accounts of real phenomena, which once wrought into the mind, remain there as lifelong possessions. They confer precision; because, if you are *doing* a thing, you must do it definitely right or definitely wrong. They give honesty; for, when you express yourself by making things, and not by using words, it becomes impossible to dissimulate your vagueness or ignorance by ambiguity. They beget a habit of self-reliance; they keep the interest and attention always cheerfully engaged, and reduce the teacher's disciplinary functions to a minimum.

Manual training methods, fortunately, are being slowly but surely introduced into all our large cities. But there is still an immense distance to traverse before they shall have gained the extension which they are destined ultimately to possess.

Manual training will become a part of the curriculum of every pupil, in every course, in every school. You may shake your head at it, oppose it, decry it as you will, it is as sure to follow as the night the day.

HIGH SCHOOL ORGANIZATION AND THE INDIVIDUAL STUDENT

PRIN. MILTON J. FLETCHER, JAMESTOWN HIGH SCHOOL

This subject was suggested to me by an article which appeared in *The Outlook* some time during the last summer. Doubtless many of you read it. It was written by John Smith—a 20th century John Smith—who claims to be a ninth lineal descendant from the Mayflower. Smith says his most intimate friend died poor leaving a son to be educated. Of Puritan ancestry, this John Smith possessed what he calls the “college taint,” and he decided to send his friend's son to college. The boy made an honor record; and when he had nearly completed his course John Smith paid him a visit. In discussing plans for the future, Smith suggested to the young man that, as it would soon be necessary for him to find his niche in the world, he ought to secure testimonials from his professors as

to his character and ability. The young man's response was: "I don't know one of them and not one of them knows me. There is not an instructor or professor in the college to whom I should think of going. I don't think there is one who would know me if I did."

Taking this astonishing statement as a text, John Smith delivers himself of a sweeping criticism of the colleges. He characterizes the recitation room as a place "with a tongue at one end and a pencil at the other"; and he suggests that somebody "endow a chair of *humanity* to accompany the chairs of *the humanities*, and send a man into the university who may earn a Ph. D. in the knowledge of young boys and their works and ways."

He concludes by asking if, since the boy receives so little personal attention and sympathetic direction in college, it is worth while to send him at all.

The obvious reply to John Smith's sweeping criticism is that one swallow does not make a summer. It might be difficult to duplicate such an extreme case as he cites. The college in question may have been at fault—doubtless was; but the difficulty may have lain even more in the disposition and irresponsible nature of the young man himself. And yet this is not a sufficient answer, for the young man had the right to know that somebody in the college had been appointed whose business it was to take the initiative in offering him personal assistance and direction.

John Smith's criticism is an old one. It raises a subject which is always in order for discussion, not only among educators themselves, but also among outside critics of educational institutions. This is simply proof of its vital character.

In organizing a school three chief purposes are to be accomplished: first, organization for instruction; second, organization for study and order; third, organization in the interests of the individual—that is, to see that each student receives that personal attention and sympathetic direction so essential to the average young person, but which are not required by statute and which could hardly be enforced if they were required.

I am aware that this classification of the purposes of school organization may seem new to many and even unwarranted. We have been accustomed to think that if a school is properly organized for instruction, for study and for order, if the school atmosphere is congenial, the student will also find there incidentally and naturally, all those other influences needful to his growth which any school can furnish. I do not deny that there is ground for this

position. It is clear that in certain kinds of schools, the third purpose that I have named is accomplished by the very nature of the conditions under which the school is organized. This is true, for example, of the private boarding school, of the rural school under one teacher, and of graded schools where each teacher has entire charge of the same group of pupils from term to term. It is true in a somewhat less degree of the small old-fashioned college. In each of these cases, personal contact between learner and teacher is sufficiently close and carried over a sufficient period of time for whatever qualities of sympathy, force and leadership a teacher may possess to leave their due impress on the young lives committed to his charge.

But educational development in this country has produced other schools, schools organized on the department plan: schools numbering hundreds, sometimes thousands of students—universities, colleges, high schools and normal schools; schools where each instructor, if he be so inclined, may consider his duty done each day when he has doled out to his classes their ration of mathematics or history or science, as the case may be. That the influence of the teacher in the classroom is often an exceedingly potent factor in the development of character no one will dispute; but it is equally true that the tendency of the department system of education is to lessen the sympathetic, helpful contact of teacher and student, to make teaching more informational and less inspirational: in short, to make teaching more and more a strictly business proposition—so much information to be delivered on such days at set hours to certain groups of students for so much a year.

The question John Smith raises is legitimate and timely. The department system of school organization makes it easy to leave much undone that is of vital consequence. We hardly begin to realize I think the full import of the rapid transition from the old-fashioned school to the new, where no student belongs to anybody in particular and where each teacher is a specialist. The teacher wrapped up in his specialty, with no necessary contact with students except at the class hour, may easily sink to the level of a mere instructor, forgetting to cultivate those qualities of leadership which characterize every great teacher and which form the vitalizing, uplifting force of every truly successful school. Likewise educators in general, fixing their eyes too steadily and with absorbing satisfaction upon the advance made in skilful instruction through the department system of organization, easily forget to consider whether

there has not been at the same time a loss in certain moral and spiritual forces which more than outweighs the intellectual gain.

The question presents itself, then, in this fashion: Is there in our system of education, secondary and higher education particularly, a lack of careful organization in the interest of the individual? Is there not here under modern educational conditions a neglected but an exceedingly promising field for educational endeavor? It seems to me there is, and I am inclined to think that patient and persistent effort in this direction would result in an increased efficiency in the teaching force of the country quite as marked as would be the benefits derived by the students themselves.

Criticism of the John Smith variety has fallen oftenest and with greatest severity upon the higher institutions of learning—especially upon the universities. Indeed, the remedy most often prescribed is to send the boy to the small college where he will be sure of close and inspiring contact with the few choice spirits always found upon every college faculty. But where shall we look for the small college? Among the family of higher institutions of learning the small college is rapidly becoming an extinct species. Most colleges have caught the American spirit of bigness, and institutions having 200 or 300 students 10 or 15 years ago, now number 600, 800, or 1000; but we still call them small colleges and comparatively they are. Moreover, it is easier and more economical, financially, to increase the capacity of institutions already founded than it is to establish others.

"It is," then, "a condition which confronts us and not a theory." Many of our educational institutions are already large and they are growing larger every year. Nor is there any appreciable reaction against mere bigness in educational institutions. We shall doubtless go on until we have the biggest colleges, universities and high schools known to any nation or time. Nothing less will satisfy the American sense of proportion.

Meantime we should not lose sight of the fact that the larger the crowd the less the average individual counts for. There is something about the great, pushing, crowding throng that robs personality of much of its sacredness. Individual worth is likely to be at a discount. The man who gets down in a crowd finds it difficult to rise. No one sees him; few care. It is quite as possible to neglect the "submerged tenth" in the great university as in the great city. Among the thousands of freshmen who enter our colleges and universities every fall, some are wayward, many are thoughtless, a few lack confidence, practically all are without exper-

ience away from home. The freshman in September differs little from the high school boy who graduated the preceding June; and yet it is quite the custom to treat him in September as a man entirely capable of shifting for himself.

This sink or swim process is to a certain extent necessary and valuable discipline, but a little judicious coaching would save some from sinking at the start, others at the end of the first semester and so on; and it would help the most of them to swim more steadily and successfully throughout their course.

Some colleges and universities are beginning to recognize the need of closer supervision in the interest of the individual student, especially in the earlier part of the course. For example, Harvard, as you know, has successfully maintained for a number of years a group system of supervision over freshmen. Last year Amherst instituted a similar system. Concerning the Amherst plan, Professor Cowles of the Latin department writes me as follows:

The system of advisers was established last year, because the faculty had been impressed more and more by the mistakes the students made in selecting the best course of study for their individual cases, and they did not seem to feel ready to ask the help of their teachers. The freshmen class was divided into groups of 15 men each and each group assigned to a member of the faculty, who made individual appointments with each student, just before the time he would naturally select his courses for the sophomore year. We have not yet had time to learn the wisdom of the move, but we found that in every case the student seemed to cordially welcome the opportunity to have a frank and informal conversation with his adviser about the studies he would like to take, and in very many cases he quickly saw that he had not been wise in his plans, and was glad to change. Sometimes he had failed to look ahead and select studies that would permit him in later years to take the courses he desired and which possibly needed some science like chemistry to prepare the way; often his course was far too one-sided and narrow, etc. So far as I can judge all the teachers approve heartily the plan, and we expect to continue it, though thus far it has been applied to the present sophomore class only. Whether the advisers continue throughout the four years has not yet been determined.

At the beginning of the present year Syracuse University inaugurated the Harvard system, and Dean Smalley has sent me the following brief explanation:

The statement as it passed the faculty is as follows: The freshmen of this college shall be divided into sections of not more than 15 each and a member of the faculty have general supervision over each section as faculty adviser. The duties of the faculty adviser shall be: 1. Promotion of social life of the students in his section.

2. General adviser in the scholastic work of the students of his section. 3. Friend of his students. The Dean assigns the sections and is requested to give science men to science teachers etc. It has worked well at Harvard. We will try it.

But I am not to forget that the subject of this paper is high school organization, and this excursion into college territory is permissible only so far as it serves to illustrate and enforce the need of closer personal supervision of the individual student in the high school. Considering the ages of the students, the change from the grammar school to the high school is quite as marked as that from the high school to the college. The larger the high school, the truer does this become. The boy who has been under the eyes of the same teacher five hours a day for the past year or two in the grammar school enters the high school, where he is assigned a seat in a study hall or a study room. The principal or some other teacher looks after his attendance. He recites to three or four different teachers, and he is likely to spend his study hours under the supervision of as many more. His course of study is more or less elective. In schools where the single session is in vogue, he spends his afternoons at home, or elsewhere. In short, at 13 or 14 years of age, the high school student becomes a part of what is practically, in its arrangement, a university system — and that too at the most critical period of his life. The English teacher, the Latin teacher, the history teacher, each has a mortgage on him, but nobody owns him as a whole. He is studied from every conceivable standpoint by a dozen different teachers; but it is nobody's business to collate the facts, to study him as an individual, to know what he is doing, and to make use of the information gained for his particular direction and advantage. Under such a system it is entirely possible for a boy to feel—to quote John Smith's ward—that he knows no teacher and that no teacher knows him; that there is not one to whom he would think of going for direction or counsel. No matter how ready and willing teachers may be, the system as it stands throws the initiative on the student and that is just where it does not belong. This is no doubt the weakest spot in the department system of school organization; and the larger our high schools become, the more we herd young people together in crowds reaching into the thousands, the more pronounced is this weakness likely to grow. Right here is chance for tremendous loss in what should be the most vital and inspiring part of the teacher's mission.

To those who believe that there is here a serious defect in school organization under the department system, I am sure that any

contribution, however small, in the way of experience in dealing with the problem will be welcome. This is my apology for introducing at this time some account of the experiment we have been trying in the Jamestown High School for the past six years, though we begin to feel that it is no longer an experiment, but a genuine help to students and teachers alike.

The plan of personal supervision which we have been developing is similar to the college systems already described, but we have carried it much further—further perhaps than would be practicable in the college or university. Our students are divided into the customary four classes and each class is divided into as many sections as we have teachers to assign to that particular class—usually from three to four. The duties of the section teacher are principally these: (1) To advise with the student in the selection of his studies and to attend to his registration at the beginning of each term. (2) To keep a complete record of the student's work, both as to Regents credits and local requirements, as he progresses in his course from year to year. (3) To meet with his section once a month, in order to report to his students their standings, to discuss with them their progress and to labor with the delinquents. (4) To do as much from day to day as his tact, sympathy and qualities of leadership will inspire him to do to make himself a factor in the intellectual and moral progress of every student in his section. (5) With the other section teachers of the class to assist and guide the students in all class functions—both social and educational—throughout the course, even including graduation.

This in brief is an outline of the system. It remains to point out some of its results and to conclude with a statement of the principles upon which it rests. •

While we are discovering new advantages of this plan of organization each term, yet some of its benefits may be already definitely stated. Take first the direct benefits to the students themselves. Under this arrangement the new student finds himself more quickly under his new surroundings, and loses less time in making up his high school work. He understands from the start, no matter to how many teachers he recites, that there is one teacher who is under special obligations to look after his interests and to whom he is particularly responsible, not in Latin or algebra, or history, simply, but as an individual student from term to term and from year to year. His course of study is more carefully planned and his work more closely watched. Except in those studies where his section teacher is also his class teacher, this plan focuses the attention of two

teachers instead of one upon the progress of the student in each subject. To merit the approval of his section teacher also proves a strong incentive to good work with the average student.

But the chief benefit to the student we had to discover by experience. When this system of supervision was first instituted six years ago, the freshmen were assigned to teachers who taught those subjects coming early in the course; and at the end of two years they were transferred to those teaching the more advanced subjects. By that time the attachment between the class and their especial guardians had grown so strong that it required a full year for the students and their new section teachers to get into sympathetic and effective working relations. It was a case of swapping horses in the middle of the stream and it did not work. What it did do however was to bring into prominence the chief advantage of the whole system. It demonstrated the possibilities for helpful leadership that lie in placing the same set of teachers in close and sympathetic relations with a class of young people for four years at the most critical and formative period of their lives. Many students have been helped, and some have been kept in school and have graduated who, under the old conditions, would have grown discouraged and dropped out. Moreover this system has made the social side of high school life less perplexing, and has turned class activities and rivalries into legitimate and exceedingly helpful channels.

But there is another advantage of the system which reacts upon the entire school—it makes a stronger and more efficient faculty. To guide the same group of young people through four years of high school life, and to assist in the management of their class affairs develops the tact, judgment and leadership of any teacher in a marked degree. Moreover it strengthens the teacher by adding dignity and authority to his position and by fastening upon him definite responsibilities which he might otherwise never recognize at all or easily shirk. Again, it makes the teacher more intelligent in matters of school organization; for he must study not only the requirements of his own institution, but he must also understand the courses and requirements laid down by the State Education Department. It ought to be added that under this plan of organization the new teacher more quickly finds his place and more readily gets into touch with the students. Moreover he is thrown into immediate and helpful contact with his associate class teachers.

With reference to the general management of the school, it is not too much to say that this system of supervision is of great assistance

to the principal. Through his constant counsel with the section teachers he is greatly aided in keeping in touch with the needs and difficulties of individual students and with all other matters outside the classroom. Furthermore by giving teachers more authority and power of initiative, the danger is removed of the principal's setting up an absolute monarchy. He becomes the chief adviser with the power of veto rather than an absolute dictator.

Let me say in conclusion that the need of organization in the interest of the individual student in secondary and higher institutions of learning—and particularly in the public high school—rests upon definite and well founded reasons. The department system of organization does violence to certain essential principles which should govern the relation of teacher and learner. In the first place, it fails to put the teacher in a position which requires him to exert and develop his powers of leadership, because in matters touching the interests of the student outside the classroom it throws the initiative where it does not belong—that is, on the student rather than on the teacher. In other words it magnifies the mere instructor and dwarfs the Good Samaritan and resourceful leader.

Again the department system of instruction gives the teacher a one-sided conception of the true office of teaching, because it over-emphasizes the importance of mere classroom instruction. It bases its estimate of a teacher very largely on discipline, methods and success in classroom instruction and results on written examinations. High school teachers should be so trained and high schools should be so organized that the teacher will understand that he will be judged quite as much by his ability to guide and direct young people and to exert a wholesome and uplifting influence over them as by his ability as a classroom instructor.

But there is a more important principle still which is grossly violated by the department system of organization. The greatest results—moral and spiritual—in character building which have followed the efforts of teachers have come from the close association between learner and teacher over a considerable period of time. An appeal to history would amply justify this statement. The department system of instruction in the larger high schools, especially, brings the student in contact with the teacher from one to five periods a week—sometimes for a term, sometimes for a year, occasionally for a longer period—under the rather formal, often unsympathetic, and sometimes antagonistic conditions of the classroom. Both the time element—such a vital consideration in the formation of character—

and the element of close personal association are, I repeat, grossly violated by the department system of organization.

In my judgment John Smith states a real grievance. It ought to be redressed for the benefit of all future Smiths and their kind. We need to supplement our department instruction by some plan of group supervision in the interest of the individual student, and thus give greater effect to the indisputable law that no system of education really hits the mark till it hits the individual.

Prin. John T. Buchanan, De Witt Clinton High School, New York.—I was for many years principal of a high school in the West and 10 years ago I was made principal of a high school in New York city. In this high school in the West I inherited the Smith family. It was a departmental school and a boy coming out of the grammar school and going into this school was lost. Nobody knew him. The case of every boy and every girl in that school was the case that has been depicted to you this morning. I felt on leaving that school that something should be done by which we could reach the individual. Going into a new field, a field that was not affected in any way by academic traditions, we were able to work out a plan, and the plan is practically that which the speaker has depicted so well this morning, and every group class consists of a class in English. All students are required to take English in the New York schools, and the size of the class will depend upon that of these section classes that the speaker has spoken of this morning. The teacher becomes the class officer and the class officer is responsible for all the administrative work of that class, and not only advises what course of study the child should take, but under a system where they furnish everything free, gives out the textbooks, communicates with the parents, sees that organizations are formed, that officers are elected for the class, and whatever is necessary for the proper organization of the school is done by the class officer. The program maker keeps in view the class officer. There are more teachers usually than there are classes. A school may have 150 classes and 60 or 70 or 80 teachers, and out of that number there is selected the best material from the standpoint of influence over the class, and that material makes up the class officers in the school. In some schools they call them prefects. Now the program maker has that in view and every day in the week there is a study period in the presence of the class officer and he takes that as his opportunity for this great moral and intellectual uplift of his class. At the end of every five weeks cards are filled out by the class teachers and sent to the class officer in order that he may know who will need

his attention and if he likes he can send these cards to the parents. Afterwards these cards come back and are given to the principal and I find that it works very well. The child is not lost, and if your building is large enough and your equipment complete enough and your teaching force sufficient, the child suffers nothing from being in a large school because it is many schools in one building. I thought that every principal who had been confronted with this experience was using it and I am glad to know that it has worked so well in the school from which the gentleman came who spoke to us this morning.

Vice Chancellor McKelway—This silence must be interpreted not merely as approbation of what has been heard, but as a unanimous desire and expectation that before we dissolve Commissioner Draper may give to us the best reality or substitute for a fatherly benediction of which he is capable.

Commissioner Draper—*Mr. Chancellor*: I am incapable of a benediction; that is always left to chancellors to pronounce. I think we have had a good Convocation. I think we all agree that the Convocation has been a very good one indeed. For some reason we had gotten the habit of not attending Convocation very well, doubtless resulting from the fact that it came just at the end of the school year when we were all tired, and in exceedingly hot weather when we all wanted to go to the woods for a vacation. It was quite an experiment to change the time of the Convocation. When you attempt to find a new time in the year for holding a State meeting it is difficult to get a time that all interested are disposed to agree to. The present week was first agreed to by representatives of practically all the colleges of the State who came together to discuss the matter, and they agreed that this would be a better time, or that we might experiment upon it at least. The colleges have been fairly well represented here this week. The schools have been very well represented and we have discussed many matters of interest.

There has been one thing in this Convocation lacking that seems to me desirable, namely we have not had much time for free and voluntary and spontaneous discussion, and that has arisen from the fact that our sessions have not been very long, a fact that I suppose is grateful to all of us in a way, and from the further fact that our program has been pretty well filled up. Those who are experienced in the matter of making programs come to know that it is a more difficult task to make one that works out satisfactorily and pleasingly than those who are not experienced about it commonly

realize. We have had, however, a very instructive Convocation, though possibly I ought not to say so. I may be in the attitude of the old lady who went home from prayer meeting saying, "We had a good meeting, I took part." But aside from any part that I myself have had in the Convocation, I think we have had an instructive meeting, and better than that I think we have had one that has drawn us together and led us to look forward to a still better Convocation next year. It has been arranged that the State Council of Superintendents will meet here next year in the same week as the Convocation. That will make a considerably larger gathering and I think we all look forward to next year's Convocation as one very much better than the excellent one we have had this year.

Speaking generally, I see no reason to doubt a strong, decided progress in the educational activities of this State. Everything is looking well and everybody is feeling hopeful. The State educational officers, members of the Board of Regents, leading officials in the Education Department, are exceedingly grateful to all engaged in the active work of the schools for the kindly assistance and generous aid and cordial cooperation that they are giving to all of us. Matters seem to be going along very smoothly indeed. There is no reason why it should not be so and there is every reason why we should have a decidedly hopeful outlook and why we should all feel that we are in the midst of the exceedingly enjoyable and a very promising work of putting the educational activities of this State upon the very best footing imaginable. As I have often said, we have a State with all the advantages of geographical situation, of commercial activity, of resources of millions. We have then the educational means, for certainly no one can entertain any doubt about the readiness of the people in the different localities and through their representatives in the State government to provide most amply for educational progress. We have the power and the authority to do things such as no other state in this Union possesses; or if any other state possesses this authority, it has not put it in form for exercise, put it in shape to be used, as we have in this State. We have all of the arrangements and the resources for binding together the educational interests of this State and making them conspicuous among all the states of the Union, to the end that we shall have great conspicuity of position, educationally. There is no reason why we should not hope to have that so. I wish you would all seek to realize that ideal. Our elementary schools, our secondary schools, our colleges and universities, our

library activities and our work in extending educational enthusiasm to the utmost limits of the State are all being coordinated and brought together, each supporting the rest in a way that is not to be found in any other state of the Union; and all that is needed is that we shall all realize this and be bound together in oneness of purpose and of effort, and we shall surely gain the ends which we all so much desire.

It seems to me that everything is going on very well indeed and that the promise is excellent. I am thankful to all who came to attend the Convocation and I hope all will come next year. I return the appreciative thanks of the Board of Regents as well as of the officers of the Department for any help given to this Convocation and bespeak a larger share for next year. I hope that as you go home you will say to your associates that we had a pleasant and an instructive Convocation well worthy of attendance and that we count upon a still better one in the coming year.

Vice Chancellor McKelway—*Members of the Convocation:* The program has been completed. The addresses have been able. The debates have been spirited and enlightening. Renewed fellowships have been grateful and inspiring. The change in our time of meeting from summer to autumn has been vindicated. I thank you for your courtesy, forbearance, patience, attention and interest. I hope you will have a safe journey to your homes, and to your institutions of labor and of service, and I further trust that the spirit you have caught here will be spread by you among the pupils you teach and throughout the communities you represent and uplift.

The Convocation of 1906 is adjourned.

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